

IOWA COMPLIANCE MONITORING MANUAL



IOWA DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING
LUCAS STATE OFFICE BUILDING
DES MOINES, IOWA 50319
(515) 242-5823

<http://www.state.ia.us/government/dhr/cjpp/index.html>

TABLE OF CONTENTS

TAB

A:	Iowa's Plan to Maintain Compliance with the JJDP Act
B:	Monitoring Authority
C:	Monitoring Timetable
D:	Relevant OJJDP Correspondence
E:	Relevant Definitions and Iowa Code Sections
F:	Data Collection Instruments
G:	State Jail Inspection Unit Sight and Sound Certification Document
H:	Law Enforcement Training Manual
I:	Table of Organization
J:	Iowa's Monitoring Universe
K:	Iowa Jail Inspector's Unit Certification Results
L:	Department of Human Service's Child Serving Agency Licensing List
M:	OJJDP Compliance Monitoring Manual
N:	OJJDP Guideline Manual for Audit of Compliance Monitoring Systems
O:	OJJDP Policy Statements
P:	OJJDP Legal Opinions
Q:	Iowa Attorney General Opinion #97-6-3(L)
R:	OJJDP Compliance Monitoring Audit Reports

Ten Elements of a Monitoring System

- ☒ Policies and Procedures (Section A)
- ☒ Monitoring Authority (Section B)
- ☒ Monitoring Timetable (Section C)
- ☒ Violation Procedures (Section A)
- ☒ Barriers and Strategies (Section A)
- ☒ Definitions (Section E)
- ☒ Identification of the Universe (Section J)
- ☒ Classification of the Universe (Section J)
- ☒ Inspection of Facilities (Section A)
- ☒ Data Collection and Data Verification (Section A)

Tab A

(Compliance Monitoring Plan)

Iowa's Plan to Maintain Compliance with the Deinstitutionalization of Status Offenders, Jail Removal and Sight & Sound Separation Requirements of the JJDP Act

1) IDENTIFICATION AND CLASSIFICATION OF THE IOWA COMPLIANCE MONITORING UNIVERSE

The Iowa Division of Criminal and Juvenile Justice Planning (CJJP) use a number of resources to identify and classify facilities in the state for use in the Compliance Monitoring Universe. These resources include the Code of Iowa, the Iowa Administrative Code, the Department of Corrections (DOC) – Jail Inspection Unit, the Department of Inspections and Appeals (DIA) and the Department of Human Services (DHS).

The Code of Iowa and Iowa Administrative Code are responsible for defining the nature and propose of facilities in the state, and the requirements for these facilities to serve and house youth. Included in these definitions are county jails, residential city lock-ups, juvenile correctional facilities, juvenile detention centers, shelter cares, residential treatment facilities, mental health institutes, adult prisons, state university public safety agency, the state patrol division, non-residential temporary city lock-ups, and city police departments.

The DOC – Jail Inspection Unit is responsible for the inspection and licensing of adult correctional facilities including county jails and residential city lock-ups. All county jails and residential city lock-ups are operated by county and city governments. These inspection and licensing audits include a certification of whether the facility can provide sight and sound separation of youth in the custody of the agency from adult inmates. Copies of this sight and sound certification are forwarded to CJJP for classification and inclusion in the monitoring universe.

The DHS maintains and operates two state youth correctional facilities; the State Training School for Boys at Eldora (STS) and the Iowa Juvenile Home at Toledo (IJH). The STS serves as a secure juvenile correctional facility for delinquent boys, and the IJH serves as a non-secure juvenile correctional facility for delinquent girls and a non-secure residential treatment facility for non-offender girls and boys. The maintenance and operation of these two youth correctional facilities are detailed in both the Code of Iowa and Iowa Administrative Code. CJJP uses the Code of Iowa and Iowa Administrative Code to classify and include these facilities in the monitoring universe.

The DIA is responsible for the inspection of juvenile detention centers, shelter cares and residential treatment facilities. DIA forwards copies of the inspection reports to the DHS who is responsible for licensing these agencies to operate. All juvenile detention centers are operated by a county or multi-county government boards. Shelter cares can be operated by either a county or multi-county government board (public), or a private agency. Residential treatment centers are operated by the state or private agencies. There are presently two residential treatment centers operated by private agencies that receive special provisions to operate a secure comprehensive (enhanced) residential treatment facility. These two enhanced residential treatment (ERT) facilities are for delinquent boys. All of these agencies are included in an annual report generated by the DHS that includes agency name, the director of the agency and contact information, the nature that the facilities are licensed (e.g. public shelter, comprehensive residential treatment, public detention, community residential), the duration of the licensing period, the capacity of the facility, whether the license is full or provisional, any special provisions in the facilities license and the county the facility is located. CJJP obtains a copy of this annual report for classification and inclusion of these facilities in the monitoring universe.

The DHS maintains and operates four state Mental Health Institutes (MHI); at Cherokee, at Clarinda, at Independence and at Mount Pleasant. Of these four MHI two provide in-patient services for juveniles; the MHI at Cherokee and the MHI at Independence. CJJP uses the Code of Iowa and Iowa Administrative Code to classify and include these facilities in the monitoring universe.

The DOC maintains and operates nine adult penitentiaries and correctional facilities as defined by Iowa Code §904. None of these facilities are for the secure detention of youth, with the exception of youth that have been waived to the criminal court and found guilty of a felony level offense¹.

The Iowa Board of Regents may authorize the three state universities, Iowa State University, University of Iowa, and University of Northern Iowa, to commission employees as security officers. Currently all three universities do provide security forces to ensure safety on their campuses. These officers have the powers, privileges and immunities of regular peace officers when acting in the interest of the institutions. CJJP uses the Code of Iowa and Iowa Administrative Code to classify and include these facilities in the monitoring universe.

The Iowa Department of Public Safety (DPS) maintains a State Patrol Division that is a law enforcement agency that primarily regulates the orderly flow of traffic on the state's highways, and responds to local law enforcement agencies' requests for emergency assistance. This agency currently maintains 16 regional offices. CJJP maintains contact with the DPS to classify and include these facilities in the monitoring universe.

There are 331 police departments in the State of Iowa. Of these 331 departments twelve of them maintain and are certified by the DOC – Jail Inspection Unit as residential city lock-ups. CJJP is currently in the process of performing on-site inspections of these police departments to determine if any of them are maintaining non-residential temporary city holding facilities. The list of police departments in the state is updated and edited by CJJP through contact with the Iowa Association of Chiefs of Police and Peace Officers, Iowa State Sheriffs and Deputies Association, and the Iowa Law Enforcement Academy.

Iowa's compliance monitoring universe then includes:

- County Jails
- Residential City Lock-Ups
- Juvenile Correctional Facilities
- Juvenile Detention Centers
- Shelter Care Facilities
- Residential Treatment Facilities
- Enhanced Residential Treatment Facilities
- Mental Health Institutes
- State Prisons
- University Public Safety
- State Patrol
- Police Departments
- Non-Residential Temporary Holding Facilities

Either through a state licensing agency or by an on-site facility visit performed by CJJP it is determined whether a facility has secure capacities. It is also this licensing and the definition of the facility that determine the classification of the facility, and whether the facility services only juveniles or primarily adults.

¹ An aggravated misdemeanor criminal offense in Iowa can receive a maximum prison sentence of two years; which using the federal definitions would classify these offenses as a felony.

The only facilities on this list that can be operated by a private agency are the shelter care facilities, the residential treatment facilities and the enhanced residential treatment facilities. All other facilities on this list are operated by state, county or city governmental units.

The primary determining factor whether a facility will be included for on-site monitoring efforts and data collection is the secure status of the facility². Those facilities that are not licensed and are not statutorily permitted to securely detain youth are not included on the list of facilities from which data must be gathered and on-site visits must be performed.

2) MONITORING PROCESS OF THE IOWA COMPLIANCE MONITORING UNIVERSE; INSPECTION OF FACILITIES, DATA COLLECTION AND VERIFICATION

County Jails and Residential City Lock-ups

The DOC – Jail Inspection Unit receives data collection forms from Iowa’s county jails and residential city lock-ups on a monthly basis. The DOC – Jail Inspection Unit forwards copies of the forms to CJJP on a monthly basis. CJJP maintains these monthly forms in a file by the state fiscal year.

CJJP sends out and receives data collection information to residential police lockups and non-residential city lock-ups. Those documents are sent out on an annual basis. CJJP maintains file copies of that information.

CJJP visits one-third of all county jails and city lockups each year. The visits involve comparing information provided to CJJP on the self report forms with that maintained on-site (usually a manual jail calendar or electronic jail calendar). CJJP also does a walk-through to examine the cells certified to securely detain juveniles to ensure sight and sound separation capabilities, and discusses the procedures for holding juveniles both securely and non-securely.

When CJJP determines from information received from county jails or city lockups, either from a facility self reporting or from an on-site monitoring visit, that a secure hold was not consistent with state or federal laws the infraction is explained and discussed with the facility to stop further infractions. Additionally the State Jail Inspection Unit is notified along with any CJJP recommendations. The DOC – Jail Inspection Unit has statutory authority to inspect county jails and police lockups, and can, if necessary, take action to sanction or close facilities that fail to comply with relevant statutes.

Juvenile Correctional Facilities

CJJP receives compliance data from the STS on an annual basis. An electronic database of the information is maintained by CJJP. The data is maintained on a state fiscal year.

CJJP performs an annual on-site visit of the STS to ensure that data provided by the facility reflects the files that they maintain in their admission log.

When CJJP determines that a hold at the STS was not consistent with state or federal laws the infraction is explained and discussed with the administrative staff to prevent further infractions. In

² State Prisons are not included in those facilities that receive on-site inspections as the Code of Iowa permits only those youth that have been waived to the adult court on a felony to be incarcerated at these facilities, and the JJDP Act does not encompass youth waived to the adult court on a felony.

addition the DHS is notified of the infraction. The DHS can, if necessary, take action to ensure that compliance with state and federal laws are met.

Juvenile Detention Centers

CJJP receives compliance data from juvenile detention facilities on a quarterly basis. An electronic database of the information is maintained by CJJP. The data is maintained on a state fiscal year. The data is also included in the Iowa Justice Data Warehouse (JDW) to help create a more complete picture flow of youth through the juvenile justice system.

On-Site monitoring is performed in one-third of the detention facilities each year. The monitoring involves comparing the information provided by the facilities with that maintained on-site. Compliance information is available in case files at the facilities.

When CJJP determines that a hold at a juvenile detention center was not consistent with state or federal laws the infraction is explained and discussed with the administrative staff to prevent further infractions. In addition the DHS is notified of the infraction. The DHS can, if necessary, take action to ensure that compliance with state and federal laws are met.

Shelter Care Facilities

CJJP does not monitor these facilities. They are non-secure, juvenile only facilities and do not require monitoring for compliance with the JJDP Act.

Residential Treatment Facilities

CJJP does not monitor these facilities. They are non-secure, juvenile only facilities and do not require monitoring for compliance with the JJDP Act.

Enhanced Residential Treatment Facilities

Iowa presently has two enhanced residential treatment programs. They provide treatment to delinquent youth; most of those youth have been adjudicated on a sex offense or for another serious crime against a person.

CJJP sends out and receives compliance information from enhanced residential treatment facilities on a quarterly basis. This information is maintained in a file by CJJP. The data is maintained on a state fiscal year.

On-Site monitoring is performed in one-half of the enhanced residential treatment facilities each year. The monitoring involves comparing the information provided by the facilities with that maintained on-site. Compliance information is available in case files at the facilities.

When CJJP determines that a placement at an enhanced residential treatment facility was not consistent with state or federal laws the infraction is explained and discussed with the administrative staff to prevent further infractions. In addition the DHS is notified of the infraction. The DHS can, if necessary, take action to ensure that compliance with state and federal laws are met.

State Mental Health Institutes

CJJP presently monitors the two state mental health institutes that have juvenile wards for compliance with the JJDP Act. Information is received on an annual basis from these two facilities. Admission to

mental health facilities must be done in accordance with Iowa's civil commitment statutes (Iowa Code §229). Data collection involves requiring the facilities to document all youth placed in the secure wards and whether those youth were placed as a disposition of an adjudication for a delinquent act (for a psychiatric evaluation) or in accordance with Iowa Code §229.

On-site monitoring involves review of the court orders of individual youth to determine if they are admitted in accordance with the relevant state statutes. The two facilities are alternated each year for an on-site inspection. The on-site visit includes a walk through of the facilities to insure that youth are held sight and sound separate from adults in accordance with Iowa Code §226.9A.

When CJJP determines that a hold at a Mental Health Institute was not consistent with state or federal laws the infraction is explained and discussed with the administrative staff to prevent further infractions. In addition the DHS is notified of the infraction. The DHS can, if necessary, take action to ensure that compliance with state and federal laws are met.

State Prisons

CJJP does not monitor these facilities. They are secure adult facilities that statutorily require any youth admitted to them be waived to the adult court on a felony level offense. Since the JJDP Act does not apply to these youth these facilities do not require monitoring for compliance with the JJDP Act.

State Patrol, State University Public Safety, and Police Departments

CJJP does not collect data from these facilities as they do not secure detention capacities; however, CJJP will continue to do on-site visits to determine the non-secure status of these agencies. If the status of an agency does change to having secure detention capacity the classification of the agency will change accordingly, as will the manner in which the agency is monitored.

3) OTHER ACTIVITIES RELATED TO IOWA'S COMPLIANCE MONITORING SYSTEM

Law Enforcement Presentations

CJJP also provides training regarding the core requirements of the JJDP Act to law enforcement officers at the Iowa Law Enforcement Academy, the Des Moines Regional Training Center, and in-house training at county jails and city lock-ups. This training is also offered to professional organizations in the state including, but not limited to the Iowa Judges Association, the Iowa County Attorneys Association, the Iowa Association of Chiefs of Police and Peace Officers, and the Iowa State Sheriffs and Deputies Association.

The training focuses on three core areas: the JJDP Act, juvenile court processes, and the situations when a juvenile can and cannot be securely detained and how a juvenile may be non-securely detained in a county jail or city lock-up. The presentation also covers many other aspects of juvenile justice including delinquency prevention, gender issues, disproportionate minority contact, and youth development.

Relationship Building

Existing monitoring process have allowed for the establishment of relationships with county jails, city lock-ups and juvenile detention centers. CJJP regularly receives calls from county jails, city lock-ups, juvenile detention directors and assistant directors, county attorneys, the DOC – Jail Inspection Unit, the State Attorney General's Office, juvenile court officers, etc. regarding provisions of the Iowa Code

and the JJDP Act as they relate to the detention of juveniles. It is intended that through continued monitoring those relationships will be maintained. CJJP has received a standing invitation to attend and participate in all meetings of the Iowa Juvenile Detention Association. These relationships have led to either the prevention of a youth being securely detained in violation of state code and the JJDP Act, or reduction in the amount of time the youth was held in non-compliance.

Relevance to Iowa's Legislative Process

The Iowa Legislature utilizes information from Iowa's monitoring systems on a regular basis. In Iowa, bills with any anticipated fiscal impact (such as loss of JJDP Act funds) are routinely forwarded to the Legislative Fiscal Bureau. This Fiscal Bureau forwards bills with juvenile justice issues to CJJP. CJJP makes comments regarding how such bills will impact Iowa's compliance with the JJDP Act, or other aspects of the juvenile justice system.

CJJP routinely presents to legislative committees on the JJDP Act and juvenile justice system issues. CJJP maintains active contact with the authors and sponsors of juvenile justice legislation, and, when necessary, provides language to assure that bills will comply with the JJDP Act. Juvenile justice bills are tracked by CJJP during the legislative session. CJJP's involvement with the legislative process is viewed as one of the most critical aspects allowing Iowa to remain in compliance with the JJDP Act.

Disproportionate Minority Contact

CJJP has made fairly extensive use of its compliance monitoring data in its efforts to support DMC projects that are active in the state. This includes supplying DMC data to communities and Iowa's Disproportionate Minority Contact Resource Center to help system officials understand the DMC issues that their communities face. The DMC Committee of the State Advisory Group (SAG) also uses the data to understand where in the state efforts should be focused to reduce DMC.

Gender Specific Services

A number of noteworthy efforts are underway in Iowa to comply with the JJDP Act's requirement for states to address the unique needs of girls in the juvenile justice system. A gender specific task force has been formed and a variety of technical assistance requests have been made to help improve how Iowa addresses the specific needs of its girls. Iowa's juvenile detention facility information system has been accessed to provide basic information on the number of girls being placed in detention, the types of offenses girls commit to be placed in such facilities, the lengths of stay in those facilities, etc. It is anticipated that monitoring data will continue to be important as CJJP moves forward in its gender specific services initiative.

4) VIOLATION PROCEDURES

In addition to reporting any violations of the JJDP Act to OJJDP, CJJP reports both state and federal violations to the licensing agencies in the state. For juvenile serving agencies this is the Department of Human Services (DHS) and for adult facilities this is the Department of Corrections (DOC). The first step to stop violations is to work with the offending agency to educate the staff, administration and local officials why the violation was a non-compliant hold, how to avoid further violations and the potential legal ramifications of non-compliant holds. If the agency continues to show a disregard for compliance with the requirements of the JJDP Act and state code CJJP would work with the appropriate agency, either DHS or DOC, to ensure that the offending agency discontinued the non-compliant holds. This could include placing provisions on their operating licenses or suspending their operating licenses. There has been a tendency for agencies to want to comply with both federal and state requirements regarding the detention of juveniles and the first step has been enough to stop non-compliant holds at an agency.

5) COMPLIANCE MONITORING BARRIERS AND STRATEGIES

One of barrier that the state faces is turn over of facility staff. When experienced and educated staff leave a position and are replaced by inexperienced and uneducated staff it creates the potential for violations of both the state code and the JJDP Act. The first strategy to prevent this is to continue providing training at any opportunity available. This helps to educate both front line workers about the requirements of state code and the JJDP Act and those in the position to make executive decisions for an agency regarding the secure confinement of youth. If the state has informed front line staff understanding the requirements of the state code and JJDP Act, and educated executive staff that are able to make well-informed decisions it will reduce the number of violations in the state. The second strategy is to try to make sure agencies and facilities know where to turn to when they do need questions answered. This will ensure that they have the best information available to make decisions.

A second barrier is the small number of juveniles handled in small communities. While this is a positive situation, it also creates a condition where when the staff is presented with circumstances when they do need to deal with a youth that has been accused of committing a delinquent offense they do not have the experience or knowledge of how to handle or what to do with the youth. Once again the best way strategy to overcome this barrier is continued education or both the state code and JJDP Act and knowledge where to turn to for answers.

Yet another barrier is misconceptions of juvenile crime. There are individuals that have perceptions that are based not on research, but on their observations, the perceptions of others and what they are shown by the media. These perceptions may lead to beliefs such as “there is no difference between a juvenile and adult offender, other then their age”, “once a juvenile has started down the criminal path there is no turning back”, “the juvenile court is ineffective”, “today’s juveniles are completely out of control”, and the myth of the “Super Predator”. It is a potential risk that these types of perceptions will lead to violations of state code and the JJDP Act as youth are handled with a “heavy hand”. Once again the most effective tool to alleviate these potential situations is through education.

CJJP also faces the potential barrier that they do not have any type of authority to directly sanction violations of state code and the JJDP Act. CJJP is dependent upon its relationship with the violating agencies to stop the violations, and its relationship with the state agencies that do possess the authority to sanction the violating agencies to resolve the situations. While this barrier of not possessing the authority to sanction a violating agency exists it has also forced CJJP to create relationships with these agencies so that these situations can be resolved without sanctions, but through discussions and working out resolutions. It is these relationships that have been created that have led to proactive responses instead of reactive responses.

6) COMPLIANCE MONITORING TIMETABLE

The following timetable delineates activities completed in the annual monitoring cycle. Certain activities are listed under a given month, but may take place before or after the listed month.

Monthly Activities

- Collect Monthly Statistical Reports and Jail & Lock-up Certification Reports from the Department of Corrections Jail Inspection Unit.

January Activities

- Contact facilities to determine accuracy and compliance on any questionable data.

- Collect previous quarter statistics from juvenile detention centers and enhanced residential treatment facilities. Clean the collected data and enter into databases.
- The legislative session begins and feedback is provided to the legislature on bills that could have JJDP Act compliance issues.
- An overview of the monitoring report is provided to the Juvenile Justice Advisory Council (the State's SAG).

February Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- The legislative session continues and feedback is provided to the legislature on bills that could have JJDP Act compliance issues.

March Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- The legislative session continues and feedback is provided to the legislature on bills that could have JJDP Act compliance issues.
- Begin visiting city police departments not certified by the State Jail Inspection Unit to determine if they are maintaining non-certified holding cells in accordance with Iowa Administrative Code Section 201, Chapter 51.1.
- Begin visiting county jails and city police departments to certify them for the use of the "Rural Exception".
- Begin visiting county jails and city police departments to determine compliance with the core requirements of DSO, jail removal and sight and sound separation.

April Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- The legislative session finishes and feedback is provided to the legislature on bills that could have JJDP Act compliance issues.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the "Rural Exception" and compliance with Iowa Administrative Code.
- Collect previous quarter statistics from juvenile detention centers and enhanced residential treatment facilities. Clean the collected data and enter into databases.

May Activities

- Contact facilities to determine accuracy and compliance on any questionable data.

- The legislative session finishes and feedback is provided to the legislature on bills that could have JJDP Act compliance issues.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.

June Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.

July Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.
- Collect previous quarter statistics from juvenile detention centers and enhanced residential treatment facilities. Clean the collected data and enter into databases.
- Begin visiting juvenile detention centers, enhanced residential treatment facilities, mental health institutes and juvenile correctional facilities to determine compliance with DSO, jail removal and sight and sound separation.

August Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.
- Continue facility visits to determine compliance with the JJDP Act at juvenile detention centers, enhanced residential treatment facilities, mental health institutes and juvenile correctional facilities.
- Collect vital data from mental health institutes.
- Collect vital data from city lock-ups.

September Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.
- Continue facility visits to determine compliance with the JJDP Act at juvenile detention centers, enhanced residential treatment facilities, mental health institutes and juvenile correctional facilities.

October Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.
- Continue facility visits to determine compliance with the JJDP Act at juvenile detention centers, enhanced residential treatment facilities, mental health institutes and juvenile correctional facilities.
- Collect previous quarter statistics from juvenile detention centers and enhanced residential treatment facilities. Clean the collected data and enter into databases.

November Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Conclude facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.
- Conclude facility visits to determine compliance with the JJDP Act at juvenile detention centers, enhanced residential treatment facilities, mental health institutes and juvenile correctional facilities.

December Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Complete analysis of collected data, prepare annual Compliance Monitoring Report and submit report to OJJDP.

Tab B

(Monitoring Authority)



CRIMINAL AND JUVENILE JUSTICE PLANNING
AND STATISTICAL ANALYSIS CENTER

TERRY E. BRANSTAD, GOVERNOR

RICHARD G. MOORE, ADMINISTRATOR

Letter of Agreement

Whereas the State Jail Inspection Unit within the Department of Corrections has statutory authority to inspect jails/police lockups, and, *whereas* the Division of Criminal and Juvenile Justice Planning has administrative authority to monitor jails/police lockups for compliance of the federal Juvenile Justice and Delinquency Prevention Act (hereafter known as the JJDP Act), this letter of agreement is established to define the responsibilities of both agencies in making determinations on whether secure holds for persons under the age of 18 or under the jurisdiction of the juvenile court in jails/police lockups (for this letter of agreement such persons will be referred to as juveniles) are done in compliance with relevant state and federal laws or administrative code.

The definition of "secure" for purposes of this letter of agreement includes: facilities which include construction fixtures designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

Responsibilities of CJJP:

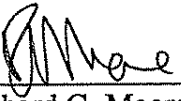
- * assist in assuring that jails/police lockups are providing necessary information from which to make determinations that secure holds for juveniles are done in compliance with relevant state and federal laws or administrative rules,
- * receive and maintain data on all juveniles securely held in adult jails,
- * make determinations on whether secure holds are done in compliance with the JJDP Act,
- * report to the jail inspection unit information received from CJJP data collection efforts indicating actual or potentially noncompliant holds with state and federal laws,
- * receive and maintain copies of Jail Inspection Unit Structural Separation Information Forms and facility self report separation information and
- * make on-site visits to jails/police lockups to verify the accuracy of data reported on secure holds for juveniles.

Responsibilities of State Jail Inspection Unit:

- * assist in assuring that jails/police lockups are providing necessary information from which to make determinations that secure holds for juveniles are done in compliance with relevant state and federal laws or administrative rules,

- * visit jails/police lockups and make determinations on whether facilities can be certified as able to provide holds for juveniles sight and sound separate from adults,
- * provide copies of Jail Inspection Unit Structural Separation Information Forms and facility self report separation information to CJJP,
- * where necessary further investigate holds for juveniles which are done noncompliant with state and federal statutes or administrative rule, and
- * require corrective action and work with facilities to gain compliance with state and federal statutes or administrative rules.

I hereby agree to perform the responsibilities outlined in this letter of agreement.



Richard G. Moore
Division of Criminal and Juvenile
Justice Planning

date: 5-17-95



Eugene J. Gardner
State Jail Inspection Unit

date: 5/12/95



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF HUMAN SERVICES

CHARLES M. PALMER, DIRECTOR

May 16, 1995

MAY 19 1995

Dave Kuker, Program Planner
Division of Criminal and Juvenile Justice Planning
Department of Human Rights
Lucas State Office Building
LOCAL

Dear Dave:

This letter is to clarify our conversation of May 15, 1995 regarding the provision of secure care for juveniles.

The definition of secure care for the purposes of this letter shall include: "facilities which include construction fixtures designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff."

The Iowa Department of Human Services has statutory authority over certain facilities that provide secure care: under the Code of Iowa, Chapter 237 for the licensing of foster care facilities; Chapter 218.1 for the control and management of the State Training School and the Iowa Juvenile Home; and Chapter 232.142 for the approval of county operated juvenile detention.

As a part of that statutory authority the Department also works with your division to:

- assist in assuring that secure facilities are providing necessary information from which to make determinations that holds for juveniles are done in compliance with relevant state and federal law or administrative rule,
- provide copies of licensure reports for secure facilities to CJJP,
- where necessary, investigate holds for juveniles which are done non-compliant with state and federal statutes or administrative rule, and
- take necessary action against facilities which hold juveniles non-compliant with state and federal statutes or administrative rule.

Letter to Dave Kuker

May 16, 1995

Page two

It is a Department objective to be of assistance to you and your agency in your efforts to monitor secure facilities for compliance with the federal Juvenile Justice and Delinquency Prevention Act. Should you require additional information regarding our efforts in this matter, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Sage".

Eric Sage, Chief

Bureau of Program Support Services

Division of Adult, Children

and Family Services

ES/dp

APPENDIX II

OCT 19 1987

ROBERT D. RAY
GOVERNOR

Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

July 27, 1982

RECEIVED

JUL 29 1982

IOWA CRIME COMMISSION

Mr. Richard E. George
Executive Director
Criminal Justice Agency
Lucas State Office Building
L O C A L

Dear Rick:

Pursuant to Section 261(c)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (P.L. 93-415), the Iowa Juvenile Justice Advisory Council is hereby designated the supervisory board for the preparation and administration of the State's plan for participation in the formula grants program created and regulated by P.L. 93-415, Title II, Part B, Subpart I.

Sincerely,

A handwritten signature in dark ink, appearing to be "R. D. Ray".

Robert D. Ray
Governor

RDR:w



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

August 1, 1991

Robert W. Sweet, Jr.
Administrator
Office of Juvenile Justice
and Delinquency Prevention
633 Indiana Avenue, N.W.
Washington, D.C. 20531

Dear Mr. Sweet:

Consistent with Section 31.101 of 28 CFR Part 31 and pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (P.L. 93-415) the Division of Criminal and Juvenile Justice Planning, Iowa Department of Human Rights is designated as the sole agency for supervising the preparation and administration of the State plan required under Section 223 of the JJDP Act. This change was effective July 1, 1991.

Sincerely,

A handwritten signature in dark ink, reading "Terry E. Branstad".

Terry E. Branstad
Governor

216A.136 STATISTICAL ANALYSIS CENTER -- ACCESS TO RECORDS.

The division shall maintain an Iowa statistical analysis center for the purpose of coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data. Notwithstanding any other provision of state law, unless prohibited by federal law or regulation, the division shall be granted access, for purposes of research and evaluation, to criminal history records, official juvenile court records, juvenile court social records, and any other data collected or under control of the board of parole, department of corrections, district departments of correctional services, department of human services, judicial branch, and department of public safety. However, intelligence data and peace officer investigative reports maintained by the department of public safety shall not be considered data for the purposes of this section. Any record, data, or information obtained by the division under this section and the division itself is subject to the federal and state confidentiality laws and regulations which are applicable to the original record, data, or information obtained by the division and to the original custodian of the record, data, or information.

The access shall include but is not limited to all of the following:

1. Juvenile court records and all other information maintained under sections 232.147 through 232.153.
2. Child abuse information under sections 235A.15 through 235A.19.
3. Dependent adult abuse records maintained under chapter 235B.
4. Criminal history data maintained under chapter 692.
5. Sex offender registry information maintained under chapter 692A.
6. Presentence investigation reports maintained under section 901.4.
7. Corrections records maintained under sections 904.601 and 904.602.
8. Community-based correctional program records maintained under chapter 905.
9. Parole records maintained under chapter 906.
10. Deferred judgment, deferred or suspended sentence, and probation records maintained under chapter 907.
11. Violation of parole or probation records maintained under chapter 908.
12. Fines and victim restitution records maintained under chapters 909 and 910.

Section History: Recent Form

88 Acts, ch 1277, §19 C89, § 601K.136; 90 Acts, ch 1124, § 4 C93, § 216A.136; 96 Acts, ch 1150, § 2; 96 Acts, ch 1193, § 3, 4; 98 Acts, ch 1047, §18

216A.138 MULTIAGENCY DATABASE CONCERNING JUVENILES.

1. The division shall coordinate the development of a multiagency database to track the progress of juveniles through various state and local agencies and programs. The division shall develop a plan which utilizes existing databases, including the Iowa court information system, the federally mandated national adoption and foster care information system, and the other state and local databases pertaining to juveniles, to the extent possible.
2. The department of human services, department of corrections, judicial branch, department of public safety, department of education, local school districts, and other state agencies and political subdivisions shall cooperate with the division in the development of the plan.
3. The database shall be designed to track the progress of juveniles in various programs, evaluate the experiences of juveniles, and evaluate the success of the services provided.
4. The division shall develop the plan within the context of existing federal privacy and confidentiality requirements. The plan shall build upon existing resources and facilities to the extent possible.
5. The plan shall include proposed guidelines for the sharing of information by case management teams, consisting of designated representatives of various state and local agencies and political subdivisions to coordinate the delivery of services to juveniles under the jurisdiction of the juvenile court. The guidelines shall be developed to structure and improve the information-sharing procedures of case management teams established pursuant to any applicable state or federal law or approved by the juvenile court with respect to a juvenile who is the recipient of the case management team services. The plan shall also contain proposals for changes in state laws or rules to facilitate the exchange of information among members of case management teams.
6. The plan shall include development of a resource guide outlining successful programs and practices established within this state which are designed to promote positive youth development and that assist delinquent and other at-risk youth in overcoming personal and social problems. The guide shall be made publicly available.
7. If the division has insufficient funds and resources to implement this section, the division shall determine what, if any, portion of this section may be implemented, and the remainder of this section shall not apply.
8. The division shall submit a report on the plan required by this section to the general assembly on or before January 15, 1994.

Section History: Recent Form

92 Acts, ch 1231, § 49; 97 Acts, ch 126, § 9; 98 Acts, ch 1047, §19

232.147 CONFIDENTIALITY OF JUVENILE COURT RECORDS.

1. Juvenile court records shall be confidential. They shall not be inspected and their contents shall not be disclosed except as provided in this section.
2. Official juvenile court records in cases alleging delinquency, including complaints under section 232.28, shall be public records, subject to the following restrictions:
 - a. Official juvenile court records containing a petition or complaint alleging delinquency filed prior to January 1, 2007, shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150.
 - b. Official juvenile court records containing a petition or complaint alleging delinquency filed on or after January 1, 2007, shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150. The official records shall not be available to the public or any governmental agency through the internet or in an electronic customized data report unless the child has been adjudicated delinquent. However, the following shall have access to official juvenile court records through the internet or in an electronic customized data report prior to the child being adjudicated delinquent:
 - (1) The judge and professional court staff, including juvenile court officers.
 - (2) The child's counsel or guardian ad litem.
 - (3) The county attorney and the county attorney's assistants.
 - (4) A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.
 - (5) A state or local law enforcement agency.
 - (6) The state public defender.
 - (7) The division of criminal and juvenile justice planning of the department of human rights.
 - c. If the court has excluded the public from a hearing under division II of this chapter, the transcript of the proceedings shall not be deemed a public record and inspection and disclosure of the contents of the transcript shall not be permitted except pursuant to court order or unless otherwise provided in this chapter.
 - d. Complaints under section 232.28 shall be released in accordance with section 915.25. Other official juvenile court records may be released under this section by a juvenile court officer.
3. Official juvenile court records in all cases except those alleging delinquency may be inspected and their contents shall be disclosed to the following without court order:
 - a. The judge and professional court staff, including juvenile court officers.
 - b. The child and the child's counsel.
 - c. The child's parent, guardian or custodian, court appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.
 - d. The county attorney and the county attorney's assistants.
 - e. An agency, association, facility or institution which has custody of the child, or is legally responsible for the care, treatment or supervision of the child.
 - f. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.
 - g. The child's foster parent or an individual providing preadoptive care to the child.

4. Official juvenile court records enumerated in section 232.2, subsection 38, paragraph "e", relating to paternity, support, or the termination of parental rights, shall be disclosed, upon request, to the child support recovery unit without court order.
5. Pursuant to court order official records may be inspected by and their contents may be disclosed to:
 - a. A person conducting bona fide research for research purposes under whatever conditions the court may deem proper, provided that no personal identifying data shall be disclosed to such a person.
 - b. Persons who have a direct interest in a proceeding or in the work of the court.
6. Inspection of social records and disclosure of their contents shall not be permitted except pursuant to court order or unless otherwise provided in this subsection or chapter. If an informal adjustment of a complaint is made pursuant to section 232.29, the intake officer shall disclose to the victim of the delinquent act, upon the request of the victim, the name and address of the child who committed the delinquent act.
7. Social records prior to adjudication may be disclosed without court order to the superintendent or superintendent's designee of a school district, authorities in charge of an accredited nonpublic school, or any other state or local agency that is part of the juvenile justice system, in accordance with an interagency agreement established under section 280.25. The disclosure shall only include identifying information that is necessary to fulfill the purpose of the disclosure. The social records disclosed shall be used solely for the purpose of determining the programs and services appropriate to the needs of the child or the family of the child and shall not be disclosed for any other purpose unless otherwise provided by law.
8. All juvenile court records shall be made available for inspection and their contents shall be disclosed to any party to the case and the party's counsel and to any trial or appellate court in connection with an appeal pursuant to division VI of this chapter.
9. The clerk of the district court shall enter information from the juvenile record on the judgment docket and lien index, but only as necessary to record support judgments.
10. The state agency designated to enforce support obligations may release information as necessary in order to meet statutory responsibilities.
11. Release of official juvenile court records to a victim of a delinquent act is subject to the provisions of section 915.24, notwithstanding contrary provisions of this chapter.

CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION[428]

Created by 1988 Iowa Acts, chapter 1277, sections 14 to 19, under the "umbrella" of the Department of Human Rights[421]

CHAPTER 1 FUNCTIONS

- 1.1(216A) Definitions
- 1.2(216A,PL93-415) Function of the division
- 1.3(216A) Function and activity of the CJJPAC
- 1.4(216A) Function and activity of the JJAC
- 1.5(216A) CJJPAC and JJAC meetings

CHAPTER 2 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES (Uniform Rules)

- 2.1(22) Adoption by reference
- 2.2(22) Custodian of records

CHAPTER 3 JUVENILE JUSTICE YOUTH DEVELOPMENT PROGRAM

- 3.1(216A,232) Definitions
- 3.2(216A,232) Purpose and goals
- 3.3(216A,232,PL93-415) Program funding distribution
- 3.4(216A,232,PL93-415) Competitive grants
- 3.5(216A,232,PL93-415) Formula-based allocations
- 3.6(216A,232,PL93-415) Sole source contracts
- 3.7(216A,232,PL93-415) Program funding sources and related provisions
- 3.8(216A,232) Appeals
- 3.9(216A,232) Contract agreement
- 3.10(216A,232) Contract termination
- 3.11(216A,232) Required reports
- 3.12(216A,232) Subgrantee records
- 3.13(216A,232) Allowable costs and cost restrictions
- 3.14(216A,232) Redistribution of funds
- 3.15(216A,232) Compliance with state and federal laws
- 3.16(216A,232) Immunity of state and agencies

CHAPTERS 4 and 5 Reserved

CHAPTER 6
DECLARATORY ORDERS

6.1(17A) Adoption by reference

CHAPTER 7
PETITIONS FOR RULE MAKING

7.1(17A) Adoption by reference

CHAPTER 8
AGENCY PROCEDURE FOR RULE MAKING

8.1(17A) Adoption by reference

CHAPTER 9
WAIVER RULES

9.1(17A) Definition
9.2(17A) Scope of chapter
9.3(17A) Applicability
9.4(17A) Compliance with law
9.5(17A) Criteria for a waiver
9.6(17A) Division discretion
9.7(17A) Burden of persuasion
9.8(17A) Contents of petition
9.9(17A) Additional information
9.10(17A) Notice
9.11(17A) Hearing procedures
9.12(17A) Ruling
9.13(17A) Conditions
9.14(17A) Time for ruling
9.15(17A) When deemed denied
9.16(17A) Service of orders
9.17(17A) Record keeping
9.18(17A) Cancellation of a waiver
9.19(17A) Violations
9.20(17A) Defense
9.21(17A) Appeals

CHAPTER 1 FUNCTIONS

428—1.1(216A) Definitions. As used in this chapter:

“Administrator” means the administrator of the division of criminal and juvenile justice planning.

“Criminal and juvenile justice planning advisory council (CJJPAC)” means the advisory council established in Iowa Code section 216A.132.

“Division” means the division of criminal and juvenile justice planning.

“Juvenile justice advisory council (JJAC)” means the state advisory group described in P.L. 93-415, Section 223(a)(3), and established through executive order to oversee the administration of the Juvenile Justice and Delinquency Prevention Act (JJDP) formula grants in Iowa.

428—1.2(216A,PL93-415) Function of the division.

1.2(1) The division shall provide staff support to the CJJPAC and the JJAC and shall assist them with the coordination of their efforts. Additionally, the division shall perform functions consistent with the duties and requirements outlined in Iowa Code chapter 216A, subchapter 9, P.L. 93-415 and other relevant federal and state requirements.

1.2(2) The division shall establish and maintain procedures to collect and report all instances of juvenile detention and confinement occurring in the state of Iowa consistent with P.L. 93-415, Section 223(a)(15). The monitoring function shall include the following:

a. The division shall collect relevant self-report information and perform on-site verification of data from jails, police lockups, juvenile detention facilities, state training schools, mental health institutes, locked residential treatment facilities for youth and other secure facilities.

b. Through written agreement, the jail inspection unit of the department of corrections shall provide the division and the specific jails and lockups with certification of their ability to separate juveniles and adults, consistent with P.L. 93-415, Section 223(a)(13).

c. Through written agreement, the department of inspections and appeals shall provide information to the division on holdings relative to P.L. 93-415, Section 223(a)(12)(A), in contracted private facilities that the department of inspections and appeals has authority to inspect.

d. Through written agreement, the department of human services shall provide information to the division on holdings relative to P.L. 93-415, Section 223(a)(12)(A), in state institutions that the department of human services administers.

1.2(3) Inquiries shall be directed to the division, the CJJPAC or the JJAC, Lucas State Office Building, Des Moines, Iowa 50319. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday.

428—1.3(216A) Function and activity of the CJJPAC. The CJJPAC is established by Iowa Code section 216A.132 and is charged with the responsibility to identify and analyze justice system issues of concern; develop and assist others in implementing recommendations and plans for system improvement; and provide for a clearinghouse of justice system information to coordinate with data resource agencies and to assist others in the use of justice system data. The CJJPAC shall advise the division on its administration of state and federal grants and appropriations and shall carry out other functions consistent with the intent of Iowa Code chapter 216A, subchapter 9.

428—1.4(216A) Function and activity of the JJAC. The JJAC is established through executive order pursuant to P.L. 93-415 to advise the division on juvenile justice issues; make recommendations to the governor and legislature; review and comment on the division's reporting of Iowa's compliance with the requirements of P.L. 93-415, Sections 223(a)(12), (13), (14) and (23); advise the division on its administration of state and federal grants and appropriations; supervise the division's administration of the Juvenile Justice and Delinquency Prevention Act formula grant and Title V delinquency prevention programs established in P.L. 93-415; and carry out other functions consistent with the intent of P.L. 93-415.

428—1.5(216A) CJJPAC and JJAC meetings.

1.5(1) Notice of meetings of the CJJPAC and the JJAC shall be published 24 hours in advance of the meeting and will be mailed to interested persons upon request. The notice shall contain the specific date,

time, and place of the meeting. Agendas shall be available by mail from the division to any interested persons if requested not less than five days in advance of the meeting. All meetings shall be open to the public, unless a closed session is voted by two-thirds of the entire membership or by all members present for one of the reasons specified in Iowa Code section 21.5. Special or electronic meetings may be called by the chair upon a finding of good cause and shall be held in accordance with Iowa Code section 21.8. CJJPAC or JJAC meetings shall be governed by the following procedures:

a. Persons wishing to appear before the CJJPAC or the JJAC shall submit the request to the respective council not less than five days prior to the meeting. Presentations may be made at the discretion of the respective chair and only upon matters appearing on the agenda.

b. Persons wishing to submit written material shall do so at least five days in advance of the scheduled meeting to ensure that CJJPAC or JJAC members have adequate time to receive and evaluate the material.

c. At the conclusion of each meeting, a time, date and place of the next meeting shall be set unless such meeting was previously scheduled and announced.

d. Cameras and recording devices may be used at open meetings provided they do not obstruct the meeting. The chair may request a person using such a device to discontinue its use when it is obstructing the meeting. If the person fails to comply with this request, the presiding officer shall order that person excluded from the meeting.

e. The chair may exclude any person from the meeting for repeated behavior that disrupts or obstructs the meeting.

f. Other meeting protocol and procedures consistent with this subrule and Iowa Code chapter 21 may be established by the CJJPAC or the JJAC through bylaws approved by a majority of the members of the council subject to the bylaws.

1.5(2) Minutes of CJJPAC or JJAC meetings are prepared and are available for inspection at the division office during business hours. Copies may be obtained without charge by contacting the office.

1.5(3) The CJJPAC or JJAC may form committees to carry out those duties as are assigned by the respective council. Meetings of the committees shall conform to the conditions governing the respective full councils as listed in subrule 1.5(1).

These rules are intended to implement Iowa Code chapter 17A, Iowa Code sections 216A.131 to 216A.136, and section 232.190 as amended by 2000 Iowa Acts, Senate File 2429, and Public Law 93-415.

[Filed 3/15/91, Notice 2/6/91—published 4/3/91, effective 5/8/91]

[Filed emergency 6/22/00 after Notice 5/17/00—published 7/12/00, effective 6/22/00]

CHAPTER 2
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

428—2.1(22) Adoption by reference. The council adopts by reference 421—Chapter 2, Iowa Administrative Code.

428—2.2(22) Custodian of records. The custodian for the records maintained by this division is the division administrator.

These rules are intended to implement Iowa Code chapter 17A and sections 22.11 and 216A.131 to 216A.136.

[Filed emergency 8/19/88 after Notice 5/18/88—published 9/7/88, effective 8/19/88]

[Filed 3/15/91, Notice 2/6/91—published 4/3/91, effective 5/8/91]

CHAPTER 3 JUVENILE JUSTICE YOUTH DEVELOPMENT PROGRAM

[Prior to 3/4/92, see Children, Youth and Families Division, 425—Chapter 7]

[Prior to 7/12/00, see 428—Chapters 3 to 5]

428—3.1(216A,232) Definitions. As used in this chapter:

“Administrator” means the administrator of the division of criminal and juvenile justice planning within the department of human rights.

“Applicant” means a city, county or other designated eligible entity preparing and submitting an application for funding through this program.

“Application” means a request to the division for funding that complies with federal and state requirements.

“Criminal and juvenile justice planning advisory council (CJJPAC)” means the advisory council established in Iowa Code section 216A.132.

“Decategorization,” as established in Iowa Code section 232.188, means the department of human services’ program whereby approved counties are permitted to pool their allocations of designated state and federal child welfare and juvenile justice funding streams, establish local planning and governance structures, and design and implement service systems that are more effective in meeting local needs.

“Decategorization governance board” means the board required to provide direction and governance for a decategorization project, pursuant to Iowa Code section 232.188.

“Division” means the division of criminal and juvenile justice planning within the department of human rights.

“Formula-based allocation” means a process that uses a formula to determine funding amounts to units of government or local public planning entities on a statewide basis.

“Grant review committee” means a committee established by the JJAC, the CJJPAC or the division to review and rank applications for funding. Individuals who are not members of the JJAC or the CJJPAC may serve on this committee.

“Justice Research and Statistics Association (JRSA)” is a national nonprofit organization that provides a clearinghouse of current information on state criminal justice research, programs, and publications.

“Juvenile Accountability Incentive Block Grant (JAIBG)” means a federally funded program to provide state and local governments funds to develop programs to reduce delinquency, improve the juvenile justice system, and increase accountability for juvenile offenders.

“Juvenile crime prevention community grants” means the community grant fund program established in Iowa Code section 232.190 as amended by 2000 Iowa Acts, Senate File 2429, and the federal Title V delinquency prevention program.

“Juvenile justice advisory council (JJAC)” means the state advisory group described in P.L. 93-415, Section 223(a)(3), and established through executive order to oversee the administration of the JJDP formula grants in Iowa.

“Juvenile Justice and Delinquency Prevention Act (JJDP)” means the federal Act, P.L. 93-415.

“Law enforcement expenditures” means the expenditures associated with police, prosecutorial, legal, and judicial services, and corrections as reported by the units of local government to the U.S. Census Bureau during the Census of Governments.

“Local public planning entities” means entities that have a local governance structure to plan, develop and coordinate services for children and families, and provide for implementation of services for children and families. Examples of local public planning entities include, but are not limited to, units of local government such as cities or counties, decategorization governance boards, community empowerment area boards, and school districts.

“Office of Juvenile Justice and Delinquency Prevention (OJJDP)” means the federal office within the U.S. Department of Justice that administers the Juvenile Justice and Delinquency Prevention Act and JAIBG.

“State juvenile crime enforcement coalition (JCEC)” means a group of individuals that develops a state plan to achieve the goals of JAIBG. The CJJPAC and the JJAC shall jointly act as the state JCEC.

“Subgrantee” means any applicant receiving funds through this program from the division.

“Title V delinquency prevention grants” means Title V, Sections 501-506, “Incentive Grants for Local Delinquency Prevention Programs Act,” of the JJDP.

“Unit of local government” means a county, township, city, or political subdivision of a county, township, or city that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes, and the recognized governing body of an Indian tribe that carries out substantial governmental duties and powers.

428—3.2(216A,232) Purpose and goals.

3.2(1) The purpose of the juvenile justice and youth development program is to assist the state in the establishment and operation of juvenile crime prevention programs; provide for greater accountability in the juvenile justice system; implement a results framework that promotes youth development; and comply with the JJDPa core requirements regarding the deinstitutionalization of status offenders, sight and sound separation of adults and juveniles in secure facilities, prohibitions on the use of adult jails to hold juveniles, and the disproportionate confinement of minority youth.

3.2(2) The primary goal of the coordinated juvenile justice and prevention program is to promote positive youth development by helping communities provide their children, families, neighborhoods, and institutions with the knowledge, skills, and opportunities necessary to foster healthy and nurturing environments that support the growth and development of productive and responsible citizens. Other specific goals of this program are to reduce youth violence, truancy, involvement in criminal gangs, substance abuse and other delinquent behavior.

428—3.3(216A,232,PL93-415) Program funding distribution. The division shall distribute funds available for this program through the following methods:

1. Competitive grants.
2. Formula-based allocations.
3. Sole source contracts.

Funding through any of these methods may be on an annual or multiyear basis.

428—3.4(216A,232,PL93-415) Competitive grants.

3.4(1) Application announcement. The administrator of the division shall announce through public notice the opening of any competitive grant application process. The announcement shall provide potential applicants with information that describes eligibility conditions, purposes for which the program funding shall be available, application procedures, and all relevant time frames established for proposal submittal and review, grant awards, and grant expenditure periods.

3.4(2) Preapplication. The division may request potential applicants to submit a preapplication summary of their proposal. If a preapplication is required, the division shall provide all potential applicants with sufficient information detailing the extent of the preapplication and the criteria for review. Preapplications received in a timely manner shall be presented to the grant review committee for screening. The committee shall use the same ranking system for each preapplication. It shall be based on the criteria provided to the applicant through the division activities specified in subrule 3.4(1). Applicants shall be notified in writing of the screening decisions.

3.4(3) Content of applications. Required elements of the applications shall be published in the request for applications and shall be based on a point system established by the division that reflects the requirements of federal and state funding sources. The division shall develop the application and selection criteria.

3.4(4) Application review and selection process. The division shall conduct a preliminary review of each application to ensure that the applicant is eligible and the application is complete. All applications that are submitted in a timely manner by eligible applicants and contain the necessary information shall be presented to the grant review committee. Members of the grant review committee shall review each application and shall assign numerical scores to each application using criteria and point values established by the division and listed in the request for applications. The rank order of scores assigned to the applications by the review committee shall be the basis for funding recommendations for each application reviewed. The grant review committee shall forward their funding recommendations for approval and final award decisions pursuant to rule 428—3.7(216A,232,PL93-415). Decisions to make final awards shall be consistent with applicable state and federal program requirements.

3.4(5) Conflict of interest. Persons shall not serve on the grant review committee or otherwise participate

personally through decisions, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which funds administered by the division are used when, to the person's knowledge, the person or a member of the person's immediate family, a partner, an organization in which the person is serving as an officer, director, trustee, partner, or employee or any person or organization with whom the person is negotiating or has any arrangement concerning prospective employment, or has a financial interest of less than an arms-length transaction. If a person's agency or organization submits an application, the person shall not be present when the grant review committee's recommendations are acted upon by the JJAC or the CJJPAC.

428—3.5(216A,232,PL93-415) Formula-based allocations.

3.5(1) *Funding recipients.* Only units of local government and local public planning entities may be considered eligible applicants to receive funding through this distribution method. The determination of which units of local government and local public planning entities are eligible applicants shall be made according to the state or federal law or regulation that makes funding available to the division for this distribution method. When such a determination is not established in law or regulation, the administrator shall make the determination with the advice of the CJJPAC and the JJAC.

3.5(2) *Formula to determine individual allocation amounts.* Allocation amounts to individual units of local government or local public planning entities shall be calculated according to the state or federal law or regulation that makes funding available to the division for this distribution method. When an allocation formula for funding to be distributed by the division is not established in this chapter or other law or regulation, the division shall calculate allocations based on a formula determined by the administrator. The formula shall be based on the number of children residing in the respective areas and may also be based on poverty rates, delinquency rates and other data relevant to child and family well-being. Application materials provided to the eligible units of local government or local public planning entities shall specify the formula used to calculate the allocation.

3.5(3) *Application procedures and requirements.*

a. Each unit of local government or local public planning entity that is eligible to be an applicant for funds pursuant to 3.5(1) shall be contacted by the division and provided an application that must be completed by the applicant prior to the applicant's receipt of the allocation.

b. The application may require the submission of a comprehensive plan to prevent and reduce juvenile crime that reflects the purposes and goals in rule 428—3.2(216A,232) and that structures the coordination and collaboration of other relevant community programs and activities. Evidence of such coordination and collaboration may be required to include assurances and documentation that the plan for this program was developed to include, or be an integral part of, other areawide plans related to, for example, child welfare, substance abuse, health, or education.

c. The application may require documentation that the application was completed with the participation of representatives from, for example, law enforcement, county attorneys, county and city governments, and health, human services, education and community service agencies.

d. The application may also require the applicant to certify and make assurances regarding policies and practices related to, but not limited to, funding eligibility, program purposes, service delivery and planning and administration capacities.

e. Each notified applicant shall submit the required information by the deadline established and announced by the division. The division reserves the right to extend the deadline.

f. Following its receipt and approval of a completed application, the division shall offer the applicant a contract authorizing the obligation of funds. These rules and all applicable state and federal laws and regulations shall become part of the contract by reference.

3.5(4) *Allocations declined, waived or combined.*

a. As allowed by federal or state law, when an eligible local public planning entity or unit of local government declines to submit an application for funds, such funds shall be retained by the division to be reallocated among all participating units of local government or local public planning entities or to be otherwise distributed for the development of services that have a statewide impact.

b. As allowed by federal or state law, the division may permit an eligible unit of local government to waive its right to a direct allocation and request that its allocation be awarded to and expended for its benefit

by a larger or contiguous unit of local government or local public planning entity. A written waiver shall be required from the unit of local government that waives its right to a direct allocation and names a requested unit of local government or local public planning entity to receive and expend the funds. The unit of local government or local public planning entity receiving the funds must agree, in writing, to accept the redirected funds, to carry out all planning and application requirements and to serve as the fiscal agent for receiving the waived allocation. The division's instructions to eligible applicants shall describe the procedures required to implement this subrule.

c. As allowed by federal or state law, the division may permit applicants to enter into regional coalitions by planning for and utilizing combined allocations from the participating units of local government or local public planning entities. A unit of local government or local public planning entity shall serve as the applicant and fiscal agent for purposes of carrying out planning and application requirements, and for receiving the allocation and obligating and expending funds for the benefit of the combined units. The division's instructions to eligible applicants shall describe the process to implement this subrule.

428—3.6(216A,232,PL93-415) Sole source contracts. The division may determine, because of the nature of a certain problem or desired programmatic response, that a competitive grant or formula-based allocation process would not be the most appropriate or expeditious process through which to award funds. In such cases, the division may seek out a potential subgrantee with which it can develop a sole source contract for services. The division shall be alert to organizational conflicts of interest and noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. The division's awarding and administration of any sole source contract shall be governed by all relevant state and federal laws and regulations.

428—3.7(216A,232,PL93-415) Program funding sources and related provisions.

3.7(1) Sources of funding for this program may include juvenile crime prevention community grants, JJDP formula grants, JAIBG funds and other funds made available to the division for the purpose of this program. The division may combine funding from these federal and state appropriations and grant programs to distribute through any of the methods outlined in 428—3.3(216A,232,PL93-415).

3.7(2) Juvenile crime prevention community grants.

a. These funds, when available, shall be distributed according to the provisions of 428—3.5(216A,232,PL93-415).

b. The decategorization governance boards established in Iowa Code section 232.188 shall be the eligible recipients of these funds.

c. The administrator may approve applications for these funds except that the JJAC may exercise approval authority over those applications that will be funded in whole or in part with federal Title V delinquency prevention grants.

d. The CJJPAC and the JJAC shall advise the division on its administration of these funds.

3.7(3) JJDP formula grants.

a. The JJAC shall determine the amounts of these funds, when available, that are to be distributed according to the provisions of 428—3.3(216A,232,PL93-415).

b. The JJAC shall determine any specific purposes for which this funding shall be distributed through the provisions of 428—3.4(216A,232,PL93-415) and 428—3.6(216A,232, PL93-415).

c. The JJAC may review and exercise approval authority over any applications for these funds distributed through the provisions of 428—3.4(216A,232,PL93-415).

d. The administrator may approve applications for these funds when distributed through the provisions of 428—3.5(216A,232,PL93-415) and 428—3.6(216A,232, PL93-415).

3.7(4) Determination of JAIBG funding amounts to be distributed when available.

a. OJJDP determines the amount of JAIBG funds that the division will distribute to units of local government through the provisions of 428—3.5(216A,232,PL93-415).

b. The state JCEC may determine an amount and the purposes of JAIBG funds to be distributed through the provisions of 428—3.4(216A,232,PL93-415) and 428—3.6(216A,232,PL93-415) and the amount of JAIBG funds to be distributed to local public planning entities through the provisions of 428—3.5(216A,232,PL93-415).

3.7(5) JAIBG funding for units of local government.

a. Each year JAIBG funding is available, the division shall conduct a review of state and local juvenile justice expenditures to determine the primary financial burden for the administration of juvenile justice within the state of Iowa. If, after conducting this review, the state's financial burden in the program purpose areas is greater than 50 percent of the expenditures, the division may request OJJDP's approval to distribute to units of local government a lower percentage of the available funding than the percentage initially established by Congress for units of local government. The division shall consult with units of local government or organizations representing such units prior to submitting such a request.

b. The JAIBG allocations for individual units of local government shall be determined by a formula set by Congress which is based on a combination of law enforcement expenditures for each unit of local government and the number of Uniform Crime Report Part 1 violent crime reports by each unit of local government. Two-thirds of each unit of local government's allocation will be based on the law enforcement expenditure data and one-third will be based on the reported violent crime data, in the same ratio to the aggregate of all other units of general local government in the state.

c. To apply the formula set by Congress, the division shall use data collected by the U.S. Census Bureau pertaining to law enforcement expenditures and the Federal Bureau of Investigation pertaining to reported Part 1 violent crime, as compiled by the JRSA, and the department of public safety (DPS) of the state of Iowa.

d. If data, as compiled by JRSA, indicates that units of local government have not reported law enforcement expenditures, or have reported only partial law enforcement expenditures, the division may request complete law enforcement expenditure reports directly from the affected units of local government to determine the correct allocation. If no additional information is received from local units of government within 15 calendar days after requesting such expenditure reports, the division shall use the data as presented by JRSA.

e. If data, as compiled by JRSA, indicates that units of local government have not reported crime data to the DPS or have reported only partial crime data, the division may request complete violent crime data directly from the affected units of local government to determine the correct allocation. If no additional data is received from local units of government within 15 calendar days after requesting such data, the division shall use the data as presented by JRSA.

f. No unit of local government shall receive an allocation that exceeds 100 percent of the law enforcement expenditures of such unit as reported to the Census Bureau.

g. In order to qualify for JAIBG funds, a unit of local government's allocation must be \$5,000 or more. If, based on the formula, the allocation for a unit of local government is less than \$5,000 during a fiscal year, the amount shall be distributed by the division to the local decategorization governance board for those areas encompassing the unit of local government, as described in subrule 3.7(6).

3.7(6) JAIBG funding for local public planning entities. In any year in which JAIBG funds are available and the state JCEC determines an amount of these funds to be distributed through the provisions of 428—3.5(216A,232,PL93-415), the division may make such funds available to local decategorization governance boards. The division shall calculate allocations to each of the decategorization governance boards based on the number of children aged 5 to 17 years residing in the respective areas. The most recent available population data for children aged 5 to 17 years shall be used to calculate the allocations. In any year in which the division makes JAIBG funds available to local decategorization governance boards, the division shall make funds available to any county that is not participating in decategorization. The division shall calculate allocations to each county that is not participating in decategorization based on the number of children aged 5 to 17 years residing in the respective areas. The most recent available population data for children aged 5 to 17 years shall be used to calculate the allocations.

3.7(7) Other funds. When funds other than those provided for in subrules 3.7(2) through 3.7(6) are made available to the division for the purposes of this program, the division shall distribute such funds through the provisions of this chapter. With the advice of the JJAC and the CJJPAC, the division shall, consistent with applicable state and federal law and regulation, determine the distribution methods, eligible applicants and any allocation formulas to be used when making such funding available.

428—3.8(216A,232) Appeals.

3.8(1) Applicants choosing to appeal funding decisions must file a written appeal with the administrator within ten calendar days of the postmarked date of the written notification of the program's funding

decisions.

3.8(2) All letters of appeal shall clearly state the reason(s) for the appeal and evidence of the reason(s) stated. Reason(s) for appeal must be based on a contention that the rules and procedures governing the funding process have not been applied properly. All appeals must clearly state in what manner the division failed to follow the rules of the selection process as governed by these administrative rules or procedures outlined in the application materials provided to all applicants by the division. The letter of appeal must also describe the remedy being sought.

3.8(3) If an appeal is filed within the ten calendar days, the division shall not enter into a contract with any applicant involved in the application process being appealed until the administrator has reviewed and decided on all appeals received in accordance with the criteria in subrules 3.8(1) and 3.8(2). The division administrator shall consider the information submitted by the appellant and relevant information from division staff when conducting the review. The review shall be conducted as expeditiously as possible so that all funds can be distributed in timely manner.

3.8(4) The decision of the division administrator shall represent the final division action for the purpose of implementing Iowa Code chapter 17A.

428—3.9(216A,232) Contract agreement.

3.9(1) *Contract offer.* Applicants shall be notified in writing of the division's intent to fund, contingent upon the funds available. The administrator shall have flexibility in determining which state and federal funds shall be utilized in awards and allocations to subgrantees. These rules and all applicable state and federal laws and regulations become a part of the contract by reference.

3.9(2) *Preaward negotiation.* The applicant may be requested to modify the original application in the negotiation process. The division reserves the right to fund all or part of the applicant's application.

3.9(3) *Withdrawal of contract offer.* If the applicant and the division are unable to successfully negotiate a contract, the division may withdraw the award offer and redistribute program funds in a manner consistent with the provisions of rule 428—3.14(216A,232).

3.9(4) *Contract modifications.* The subgrantee or the division may request a modification or revision of the contract.

3.9(5) *Reimbursement of expenditures.* Funds are to be spent to meet program goals as provided in the contract. Expenditures shall be reimbursed pursuant to regular reimbursement procedures of the state of Iowa.

428—3.10(216A,232) Contract termination.

3.10(1) *Termination by subgrantee.* The contract may be terminated by the subgrantee at any time during the contract period by giving 30 days' notice to the division.

3.10(2) *Termination by the division.*

a. The division may terminate a contract upon ten days' notice when the subgrantee or any of its subcontractors fail to comply with the grant award stipulations, standards or conditions. The division may terminate a contract upon 30 days' notice when there is a reduction of funds by executive order.

b. Termination for convenience. The performance of work under the agreement may be terminated by the division in accordance with this clause in whole or, from time to time, in part whenever the division shall determine that such termination is in the best interest of the state. The division shall pay all reasonable costs associated with the agreement that the subgrantee has incurred up to the date of termination. The division shall not pay for any work that has not been done prior to the date of termination.

c. Termination for default. If the subgrantee fails to fulfill its obligations under this agreement properly or on time, or otherwise violates any provision of this agreement, the division may terminate the agreement by written notice to the subgrantee. The notice shall specify the acts of commission or omission relied on as cause for termination. All finished or unfinished products and services provided by the subgrantee shall, at the option of the division, become the state's property. The division shall pay the subgrantee fair and equitable compensation for satisfactory performance prior to receipt of notice of termination.

3.10(3) *Responsibility of subgrantee at termination.* Within 45 days of the termination, the subgrantee shall supply the division with a financial statement detailing all costs up to the effective date of the termination.

428—3.11(216A,232) Required reports.

3.11(1) Expenditure claim reports shall be required from subgrantees on provided forms. The division, pursuant to regular reimbursement procedures of the state of Iowa, shall reimburse subgrantees for actual expenditures specified in the approved budget.

3.11(2) Quarterly reports on program outcomes, program status and financial status shall be required from subgrantees on provided forms.

3.11(3) Other reports, including audit reports prepared by independent auditors, may be required by the division and specified in the request for applications or contract to assist in the monitoring and evaluation of programs.

3.11(4) Failure to submit required reports by the due date shall result in suspension of financial payments to the subgrantee by the division until such time as the reports are received. No new awards shall be made for continuation programs where there are delinquent reports from prior grants.

428—3.12(216A,232) Subgrantee records. Financial records, supporting documents, statistical records and all other records pertinent to the program shall be retained by the subgrantee in accordance with the following:

3.12(1) Records for any project shall be retained for three years after final closeout and audit procedures are completed and accepted by the division.

3.12(2) Representatives of the state auditor's office and the division shall have access to all books, accounts, documents, and other property belonging to or in use by a subgrantee pertaining to the receipt of funds under these rules.

428—3.13(216A,232) Allowable costs and cost restrictions.

3.13(1) Grant funds from this program shall be used to support only those activities and services specified and agreed to in the contract between the subgrantee and the division. The contract shall identify specific cost categories against which all allowable costs must be consistently charged.

3.13(2) Funds appropriated for this program shall not be expended for supplantation of federal, state, or local funds supporting existing programs or activities. Instructions for the application and acceptance of competitive grants, formula-based allocations, and sole source contracts may specify other cost limitations including, but not limited to, costs related to political activities, interest costs, fines, penalties, lawsuits or legal fees, and certain fixed assets and program equipment.

428—3.14(216A,232) Redistribution of funds. The division reserves the right to recapture and redistribute awarded funds based upon projected expenditures if it appears that funds shall not be expended by a subgrantee according to the conditions of the subgrantee's contract. Recaptured funds may be granted by the administrator to other applicants or subgrantees for services and activities consistent with the purposes and goals of the program.

428—3.15(216A,232) Compliance with state and federal laws. In acceptance of a grant, the subgrantee shall agree to comply with all applicable state and federal rules and laws including, but not limited to, the JJDPA.

428—3.16(216A,232) Immunity of state and agencies. The subgrantee shall defend and hold harmless the state and any federal funding source for the state from liability arising from the subgrantee's performance or attempted performance of its contract, and the subgrantee's activities with subcontractors and all other third parties.

These rules are intended to implement Iowa Code chapter 17A, Iowa Code sections 216A.131 to 216A.136, and section 232.190 as amended by 2000 Iowa Acts, Senate File 2429, and Public Laws 93-415 and 105-119.

[Filed emergency 8/5/88—published 8/24/88, effective 8/5/88]

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[Filed emergency 6/22/00 after Notice 5/17/00—published 7/12/00, effective 6/22/00]

CHAPTER 4
JUVENILE CRIME PREVENTION
COMMUNITY GRANT FUND
Rescinded IAB 7/12/00, effective 6/22/00

CHAPTER 5
JUVENILE ACCOUNTABILITY INCENTIVE
BLOCK GRANT PROGRAM (JAIBG)
Rescinded IAB 7/12/00, effective 6/22/00

CHAPTER 6
DECLARATORY ORDERS

428—6.1(17A) Adoption by reference. The division of criminal and juvenile justice planning hereby adopts the declaratory orders segment of the Uniform Rules on Agency Procedure printed in the first volume of the Iowa Administrative Code, with the following amendments:

1. In lieu of the words “(designate agency)”, insert “division of criminal and juvenile justice planning”.
2. In lieu of the words “(designate office)”, insert “Division of Criminal and Juvenile Justice Planning, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.
3. In lieu of the words “(AGENCY NAME)”, insert “DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING”.
4. In lieu of the words “_____ days (15 or less)”, insert “10 days”.
5. In lieu of the words “_____ days” in subrule 6.3(1), insert “20 days”.
6. In lieu of the words “(designate official by full title and address)”, insert “Administrator, Division of Criminal and Juvenile Justice Planning, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.
7. In lieu of the words “(specify office and address)”, insert “Division of Criminal and Juvenile Justice Planning, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.
8. In lieu of the words “(agency name)”, insert “division of criminal and juvenile justice planning”.
9. In lieu of the words “(designate agency head)”, insert “administrator”.

These rules are intended to implement Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202.

[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]

CHAPTER 7
PETITIONS FOR RULE MAKING

428—7.1(17A) Adoption by reference. The division of criminal and juvenile justice planning hereby adopts the petitions for rule making segment of the Uniform Rules on Agency Procedure printed in the first volume of the Iowa Administrative Code, with the following amendments:

1. In lieu of the words “(designate office)”, insert “Division of Criminal and Juvenile Justice Planning, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.
2. In lieu of the words “(AGENCY NAME)”, insert “DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING”.
3. In lieu of the words “(designate official by full title and address)”, insert “Administrator, Division of Criminal and Juvenile Justice Planning, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.

These rules are intended to implement Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202.

[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]

CHAPTER 8
AGENCY PROCEDURE FOR RULE MAKING

428—8.1(17A) Adoption by reference. The division of criminal and juvenile justice planning hereby adopts the agency procedure for rule making segment of the Uniform Rules on Agency Procedure printed in the first volume of the Iowa Administrative Code, with the following amendments:

1. In lieu of the words “(commission, board, council, director)”, insert “administrator”.
2. In lieu of the words “(specify time period)”, insert “one year”.
3. In lieu of the words “(identify office and address)”, insert “Administrator, Division of Criminal and Juvenile Justice Planning, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.
4. In lieu of the words “(designate office and telephone number)”, insert “the administrator at (515)242-5823”.
5. In lieu of the words “(designate office)”, insert “Division of Criminal and Juvenile Justice Planning, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.
6. In lieu of the words “(specify the office and address)”, insert “Division of Criminal and Juvenile Justice Planning, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.
7. In lieu of the words “(agency head)”, insert “administrator”.

These rules are intended to implement Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202.

[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]

CHAPTER 9 WAIVER RULES

428—9.1(17A) Definition. The term “waiver” as used in this chapter means a prescribed waiver or variance from a specific rule or set of rules of this division applicable only to an identified person on the basis of the particular circumstances of that person.

428—9.2(17A) Scope of chapter. This chapter creates generally applicable standards and a generally applicable process for granting individual waivers from rules adopted by the division in situations when no other more specifically applicable law provides for waivers. To the extent another more specific provision of law purports to govern the issuance of a waiver from a particular rule, the more specific waiver provision shall supersede this chapter with respect to any waiver from that rule.

428—9.3(17A) Applicability. This chapter applies only to waivers of those rules of the division that are within the exclusive rule-making authority of the division. This chapter shall not apply to rules that merely define the meaning of a statute, or other provisions of law or precedent, if the division does not possess statutory authority to bind a court, to any extent, with its definition.

428—9.4(17A) Compliance with law. The division may not issue a waiver under this chapter unless (1) the legislature has delegated authority sufficient to justify the action; and (2) the waiver is consistent with statute and other provisions of law. No waiver may be granted under this chapter from any mandatory requirement imposed by statute.

428—9.5(17A) Criteria for a waiver. The division may issue an order, in response to a completed petition or on its own motion, granting a waiver from a rule adopted by the division, in whole or in part, as applied to the circumstances of a specified person, if the division finds that the waiver is consistent with rules 9.3(17A) and 9.4(17A) of this chapter, that the waiver would not prejudice the substantial legal rights of any person, and either that:

1. The application of the rule to the person at issue does not advance, to any extent, any of the purposes for the rule or set of rules; or
2. The following criteria have been met:
 - The application of the rule or set of rules to the person at issue would result in an undue hardship or injustice to that person; and
 - The waiver on the basis of the particular circumstances relative to the specified person would be consistent with the overall public interest.

In determining whether a waiver would be consistent with the public interest, the division administrator shall consider whether, if a waiver is granted, the public health, safety, and welfare will be adequately protected by other means that will ensure a result that is substantially equivalent to full compliance with the rule.

428—9.6(17A) Division discretion. The final decision to grant or deny a waiver shall be vested in the division administrator. This decision shall be made at the discretion of the division upon consideration of relevant facts.

428—9.7(17A) Burden of persuasion. The burden of persuasion shall be on the petitioner to demonstrate by clear and convincing evidence that the division should exercise its discretion to grant a waiver based upon the criteria contained in rule 9.5(17A) of this chapter.

428—9.8(17A) Contents of petition. A petition for a waiver shall include the following information where applicable and known to the requester:

1. The name, address, and telephone number of the entity or person for whom a waiver is requested and the case number of any related contested case.
2. A description and citation of the specific rule or set of rules from which a waiver is requested.
3. The specific waiver requested, including a description of the precise scope and operative period for which the petitioner wants the waiver to extend.
4. The relevant facts that the petitioner believes would justify a waiver. This statement shall include a

signed statement from the petitioner attesting to the accuracy of the facts represented in the petition and a statement of reasons that the petitioner believes will justify a waiver.

5. A history of any prior contacts between the petitioner and the division relating to the activity affected by the proposed waiver, including any notices of violation, contested case hearings, or investigative reports relating to the activity within the last five years.

6. Any information known to the requester relating to the division's treatment of similar cases.

7. The name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question or which might be affected by the granting of a waiver.

8. The name, address, and telephone number of any entity or person who would be adversely affected by the granting of a petition.

9. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

10. Signed releases of information authorizing persons with knowledge of the waiver request to furnish the division with information relevant to the waiver.

428—9.9(17A) Additional information. Prior to issuing an order granting or denying a waiver, the division may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the division may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and a representative from the division to discuss the petition and surrounding circumstances.

428—9.10(17A) Notice. The division shall acknowledge the petition upon receipt. The division shall ensure that, within 30 days of the receipt of the petition, notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law. In addition, the division may give notice to other persons. To accomplish this notice provision, the division may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the division attesting to the fact that notice has been provided.

428—9.11(17A) Hearing procedures. The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply to any petition for a waiver of a rule or set of rules filed within a contested case and shall otherwise apply to division proceedings for a waiver only when the division so provides by rule or order or is required to do so by statute or other binding law.

428—9.12(17A) Ruling. An order granting or denying a waiver shall be in writing and shall contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative time period of a waiver if one is issued.

428—9.13(17A) Conditions. The division may condition the granting of the waiver on such conditions that the division deems to be reasonable and appropriate in order to achieve the objectives of the particular rule in question through alternative means.

428—9.14(17A) Time for ruling. The division shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so within 120 days of its receipt unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, then the division may grant or deny the petition at the time the final decision in that contested case is issued.

428—9.15(17A) When deemed denied. Failure of the division to grant or deny a petition within the required time period shall be deemed a denial of that petition by the division. However, the division shall remain responsible for issuing an order denying a waiver as required by rule 9.12(17A).

428—9.16(17A) Service of orders. Within seven days of its issuance, any order issued under this chapter shall be transmitted to the petitioner or the person to whom the order pertains, and to any other person entitled to such notice by any provision of law.

428—9.17(17A) Record keeping. Subject to the provisions of Iowa Code section 17A.3(1) “e,” the division shall maintain a record of all orders granting and denying waivers under this chapter. All final rulings in response to requests for waivers shall be indexed and copies distributed to members of the administrative rules review committee upon request. All final rulings shall also be available for inspection by the public at the division office during regular business hours.

428—9.18(17A) Cancellation of a waiver. A waiver issued by the division pursuant to this chapter may be withdrawn, canceled, or modified if, after appropriate notice and hearing, the division issues an order finding any of the following:

1. The person who was the subject of the waiver order withheld from the division or knowingly misrepresented to the division material facts relevant to the propriety or desirability of the waiver; or
2. The alternative means of ensuring that the public health, safety, and welfare will be adequately protected after issuance of the waiver order has been demonstrated to be insufficient, and no other means exists to protect the substantial legal rights of any person; or
3. The subject of the waiver order has failed to comply with all of the conditions contained in the order.

428—9.19(17A) Violations. A violation of a condition in a waiver order shall be treated as a violation of the particular rule for which the waiver was granted. As a result, the recipient of a waiver under this chapter who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

428—9.20(17A) Defense. After the division issues an order granting a waiver, the order shall constitute a defense, within the terms and the specific facts indicated therein, for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

428—9.21(17A) Appeals. Appeals within the division from a decision granting or denying a waiver shall be in accordance with Iowa Code chapter 17A and division rules. These appeals shall be taken within 30 days of the issuance of the ruling granting or denying the waiver request, unless a different time is provided by rule or statute.

These rules are intended to implement Executive Order Number 11 and Iowa Code section 17A.9A.

[Filed 7/27/01, Notice 2/21/01—published 8/22/01, effective 9/26/01]

Tab C

(Monitoring Timetable)

Compliance Monitoring Timetable

The following timetable delineates activities completed in the annual monitoring cycle. Certain activities are listed under a given month, but may take place before or after the listed month.

Monthly Activities

- Collect Monthly Statistical Reports and Jail & Lock-up Certification Reports from the Department of Corrections Jail Inspection Unit.

January Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Collect previous quarter statistics from juvenile detention centers and enhanced residential treatment facilities. Clean the collected data and enter into databases.
- The legislative session begins and feedback is provided to the legislature on bills that could have JJDP Act compliance issues.
- An overview of the monitoring report is provided to the Juvenile Justice Advisory Council (the State's SAG).

February Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- The legislative session continues and feedback is provided to the legislature on bills that could have JJDP Act compliance issues.

March Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- The legislative session continues and feedback is provided to the legislature on bills that could have JJDP Act compliance issues.
- Begin visiting city police departments not certified by the State Jail Inspection Unit to determine if they are maintaining non-certified holding cells in accordance with Iowa Administrative Code Section 201, Chapter 51.1.
- Begin visiting county jails and city police departments to certify them for the use of the "Rural Exception".
- Begin visiting county jails and city police departments to determine compliance with the core requirements of DSO, jail removal and sight and sound separation.

April Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- The legislative session finishes and feedback is provided to the legislature on bills that could have JJDP Act compliance issues.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.
- Collect previous quarter statistics from juvenile detention centers and enhanced residential treatment facilities. Clean the collected data and enter into databases.

May Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- The legislative session finishes and feedback is provided to the legislature on bills that could have JJDP Act compliance issues.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.

June Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.

July Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.
- Collect previous quarter statistics from juvenile detention centers and enhanced residential treatment facilities. Clean the collected data and enter into databases.
- Begin visiting juvenile detention centers, enhanced residential treatment facilities, mental health institutes and juvenile correctional facilities to determine compliance with DSO, jail removal and sight and sound separation.

August Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.
- Continue facility visits to determine compliance with the JJDP Act at juvenile detention centers, enhanced residential treatment facilities, mental health institutes and juvenile correctional facilities.
- Collect vital data from mental health institutes.
- Collect vital data from city lock-ups.

September Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.
- Continue facility visits to determine compliance with the JJDP Act at juvenile detention centers, enhanced residential treatment facilities, mental health institutes and juvenile correctional facilities.

October Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Continue facility visits to determine compliance with JJDP Act, certification for the use of the “Rural Exception” and compliance with Iowa Administrative Code.

- Continue facility visits to determine compliance with the JJDP Act at juvenile detention centers, enhanced residential treatment facilities, mental health institutes and juvenile correctional facilities.
- Collect previous quarter statistics from juvenile detention centers and enhanced residential treatment facilities. Clean the collected data and enter into databases.

November Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Conclude facility visits to determine compliance with JJDP Act, certification for the use of the "Rural Exception" and compliance with Iowa Administrative Code.
- Conclude facility visits to determine compliance with the JJDP Act at juvenile detention centers, enhanced residential treatment facilities, mental health institutes and juvenile correctional facilities.

December Activities

- Contact facilities to determine accuracy and compliance on any questionable data.
- Complete analysis of collected data, prepare annual Compliance Monitoring Report and submit report to OJJDP.

Tab D

(OJJDP Correspondence)



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

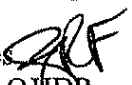
Office of the Administrator

Washington, D.C. 20531

MEMORANDUM

FEB 13 2008

TO: State Agency Directors
Juvenile Justice Specialists
State Advisory Group Chairs

FROM: J. Robert Flores 
Administrator, OJJDP

SUBJECT: Compliance Monitoring Guidance

As many of you are aware, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) staff and state juvenile justice specialists convened to discuss compliance monitoring issues at the 2007 OJJDP National Training held in Denver, Colorado, in October 2007. At the Juvenile Justice Specialist Business Meeting, OJJDP was provided a document that raised concerns with six specific issues: 1) the definition of an adult lockup; 2) the expansion of the monitoring universe; 3) the expansion of inspection requirements; 4) the definition of an adult inmate; 5) subjectivity of an "adequate monitoring system"; and 6) guidance and approval for use of the rural exception. This meeting also resulted in the creation of a compliance monitoring working group of juvenile justice specialists who agreed to work with OJJDP staff to address these issues, which were a concern to a number of states. Subsequent discussions between the working group and OJJDP staff resulted in the group providing OJJDP with a more detailed document expanding on their concerns, and proposing resolutions. Based on a careful review of these communications and analysis of law and regulation, this letter is a response addressing the concerns raised. In addition to providing statutory background, it proposes to clarify OJJDP's interpretation of the Juvenile Justice and Delinquency Prevention Act (JJDP A) in the OJJDP Compliance Monitoring Guidance Manual and future regulations.

Definition of an Adult Lockup

With limited exceptions, JJDP A § 223(a)(13) (the "Jail Removal Requirement") requires State plans to "provide that no juveniles will be detained or confined in any jail or lockup for adults." The term "jail or lockups for adults," in turn, is defined in Section 103 of the JJDP A as—

(22) ...a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

- (A) pending the filing of a charge for violating a criminal law;
- (B) awaiting trial on a criminal charge; or
- (C) convicted of violating a criminal law.

The foregoing statutory language indicates that the Jail Removal Requirement contemplates facilities that are—(1) capable of being used to lock individuals in, physically; (2) used by a law enforcement authority (State, local, tribal, etc.); and (3) used (i.e., by way of formal designation or past use) for the purpose of detaining or confining adults held on criminal law violations (pending filing of charges, awaiting trial, or upon conviction). For example, a mental-health facility used for civil commitments would not fall within the class of facilities contemplated by the jail removal requirement, because adults are not typically detained in such facilities pending the filing of criminal charges, while awaiting trial, or upon criminal conviction; nor, in principle, would a group home for juveniles, or a facility used to detain only juveniles fall within this Jail Removal Requirement.

A “facility” is defined as “something that is built, installed, or established to serve a particular purpose.” *Merriam-Webster’s Collegiate Dictionary* (10th ed., 1993) Therefore, “jail or lock-up” may be understood as a reference to places having construction features for locking and unlocking individuals in, as well as to places actually used for the purpose of detaining or confining adults charged with criminal violations. Under such an understanding, the term encompasses a typical jail cell, as well as locations that have construction features capable of being locked and unlocked and intended to accomplish physical detention, such as law enforcement locations equipped with cuffing benches or cuffing rails.

In addition to jails, detention facilities, and correctional facilities, JJDPa § 223(a)(14), also mandates that States have an adequate system of monitoring “non-secure” facilities. As the Deinstitutionalization of Status Offenders (DSO), Separation, and the Jail Removal Requirements do not expressly reference “non-secure” facilities, an appropriate interpretation of this provision is that States should be expected to monitor “non-secure” facilities to ensure that the use of such facilities has not changed in a way that might make one or more of the core requirements applicable (e.g., a cuffing rail newly installed in a police station). Additionally, the term “non-secure facilities” reasonably may be understood in context to refer also to residential facilities not otherwise covered; this understanding informs 28 C.F.R. § 31.303(f).¹

¹ This regulation addresses the monitoring of jails, detention facilities, correctional facilities, and non-secure facilities. As stated in 28 C.F.R. § 31.303(f)(1)(i)(A) and (B), the identification of the monitoring universe “refers to the identification of all residential facilities which might hold juveniles pursuant to public authority and thus must be classified to determine if it should be included in the monitoring effort. This includes those facilities owned or operated by public and private agencies.” In addition, “[classification of the monitoring universe] is the classification of all facilities to determine which ones should be considered as a secure detention or correctional facility, adult correctional institution, jail, lockup, or other type of secure or nonsecure facility. 28 C.F.R. § 31.303(f)(1)(C) also provides that “[i]nspection of facilities is necessary to ensure an accurate assessment of each facility’s classification and record keeping. The inspection must include: (1) A review of the physical accommodations to determine whether it is a secure or non-secure facility or whether adequate sight and sound separation between juvenile and adult offenders exists and (2) A review of the record keeping system to determine whether sufficient data are maintained to determine compliance with section 223(a)(12), (13) and/or (14).

State Monitoring System

To clarify concerns raised with respect to the subjectivity of an “adequate monitoring system,” and the expansion of the monitoring universe and inspection requirements; it is important to review the language contained within JJDP § 223(a)(14) (which refers to jails, detention facilities, correctional facilities and non-secure facilities) and its implementing regulation, 28 C.F.R. § 31.303(f), which adds only residential facilities to the monitoring universe:

Section 223(a) of the JJDP § provides that –

[i]n order to receive formula grants under [Part B of the JJDP §], a State shall submit a plan for carrying out its purposes [and] such plan shall:

* * * * *

(14) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraphs (11), (12), and (13) [“core requirements”] are met....

To facilitate the States’ understanding of what constitutes an adequate State system of monitoring, it is incumbent on OJJDP to identify those kinds of facilities where the related core requirements are applicable.²

With a few limited exceptions, JJDP § 223(a)(11) (the “DSO Requirement,” which relates to deinstitutionalization of status offenders) requires that juveniles “who are charged with or who have committed an offense that would not be criminal if committed by an adult [“status offenders”]...shall not be placed in secure detention or secure correctional facilities....” The definitions provided in the JJDP § 103, in turn, identify the characteristics of the facilities subject to the DSO Requirement. The term “secure detention facility” is defined as—

(12) ...any public or private residential facility which –

² These three core requirements require that States, in order to receive formula grants, prepare plans that---

(11) shall in accordance with rules issued by the Administrator, provide that—

(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult...shall not be placed in secure detention facilities or secure correctional facilities; and

(B) juveniles—

(i) who are not charged with any offense; and

(ii) who are—

(I) aliens; or

(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;

(12) provide that—

(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have contact with adult inmates...; and

(13) provide that no juvenile will be detained or confined in any jail or lockup for adults [with limited exceptions]....

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals in lawful custody in such facility; and

(B) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

The definition of the term "secure correctional facility" largely tracks that of "secure detention facility," differing only in that the latter relates to facilities used "for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense," JJDPa § 103(13). Thus, States must monitor public and private residential facilities that have construction features for physically restricting offenders held in lawful custody; this would include traditional juvenile correctional and detention facilities, adult jails, and lockups, and prisons. The purpose of monitoring such facilities is to determine whether status offenders, aliens, or children alleged to be dependent, neglected, or abused, are confined in secure residential facilities in violation of the JJDPa Section 223 (a)(11)(A) & (B).

Inspection Requirements

OJJDP has provided consistent guidance on the rate of on-site facility inspections and what it deems to be the characteristics of an "adequate system of monitoring," in this regard, under Section 223(a)(14) of the JJDPa. Facilities where core requirement violations are likely to occur, must be monitored, on-site, by the designated state agency. Such on-site monitoring "must take place at a minimum of 10% of the facilities in each classification category, ..." [See OJJDP M 7140.7A, "OJJDP Guideline Manual, Audit of Compliance Monitoring Systems," August 21, 2000]. In addition, States should strive to inspect all secure facilities once every three years.

Definition of an Adult Inmate

Under the JJDPa § 223(a)(12)(the "Separation Requirement"), State plans shall "provide that juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) shall not be detained or confined in any institution in which they have contact with adult inmates." Within the context of this provision, the term "institution" must be understood as a reference to facilities where one reasonably may expect to find "adult inmates," itself a defined statutory term, at JJDPa § 103:

(26) the term "adult inmate" means an individual who—

(A) has reached the age of full criminal responsibility under applicable State law; and

(B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense.

Both juveniles and adult inmates may be found in prisons (e.g., where 'scared straight' type programs might be implemented), court holding facilities, juvenile detention facilities (e.g., where adult inmate trustees might be performing work on the grounds, or within the facility), juvenile correctional facilities (e.g., where transferred, certified or waived juveniles have been placed, and have reached the age of criminal responsibility), and adult jails and lockups. Thus the monitoring universe, for purposes of requiring an adequate system of monitoring with respect to the separation requirement, would include such institutions or facilities.

Removal Exception (for Rural Areas)

Section 223(a)(13)(B) (Removal Exception) of the JJDP Act articulates the specific circumstances where State reliance on the Removal Exception to the Jail Removal Requirement of the JJDP Act is appropriate. This statutory provision excepts:

(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup –

(ii) that –

(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

(II) is located where conditions of distance to be traveled or the lack of highway, road or transportation do not allow for court appearances within 48 hours...; or

(III) is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel;

OJJDP has implemented a consistent approach for implementing the Removal Exception to the Jail Removal Requirement. States wishing to utilize the Removal Exception, for any facility with the State, must obtain prior approval from OJJDP. See 28 C.F.R. 31.303(f)(4)(v). OJJDP reviews such requests to insure that the States have adequately addressed the statutory exception requirements, cited above, and to insure that exceptions are issued in a consistent manner.

OJJDP has never issued a blanket approval for a State to utilize the Removal Exception, at its discretion, and does not believe that such an approach would be in keeping with the spirit of the Jail Removal Requirement or the intent of those legislators who drafted the Removal Exception. Finally, States that wish to continue to use the Removal Exception must provide OJJDP with an

annual certification, verifying that all conditions continue to be present and all requirements continue to be met.

Summary

In sum, based on the current statutory requirements of the JJDP Act, and accompanying Federal Regulation, State's are expected to annually inspect a minimum of 10 percent of all secure adult jails and lockups; court holding facilities; and juvenile detention and correctional facilities. OJJDP also encourages States to spot check, on an annual basis, those law enforcement facilities that have annual written certification that they are nonsecure. Such on-site monitoring is necessary to ensure that the nonsecure nature of such facilities has not changed, through the possible installment of secure custody features.

I would like to take this opportunity to particularly thank those individuals on the compliance monitoring working group, for sharing your thoughts and concerns on these important issues. I know that all of you are committed, as am I, to serving the needs of children, youth and families, particularly those most at-risk of becoming involved in the juvenile justice system. I appreciate your dedication to this effort, and look forward to working with all of you in the New Year.

In closing, I would also like to share with you some changes which have recently been implemented within OJJDP. As of January 14, 2008, programmatic functions for compliance monitoring will be handled by the State Relations and Assistance Division (SRAD). Policy issues pertaining to compliance monitoring will remain in the OJJDP Policy Office. Should you have any specific questions with respect to compliance monitoring, please contact your SRAD State Representative.



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Washington, D.C. 20531

May 30, 2008

Dear Compliance Monitors and Juvenile Justice Specialists:

In recent weeks, the office has engaged in continuing discussions regarding the most efficient manner to handle future State requests for the utilization of the removal rural exception to Section 223(a)(13). Although cited in regulation as the "removal exception," this provision is more commonly referred to as the "rural exception." We appreciate that many of you have provided input into this process and believe the following revised policy reflects this input while also ensuring that the integrity of the rural exception process is maintained.

Per OJJDP guidance in 2007, States submitted official requests for permission to utilize the rural exception for each specific facility in which the State intended to claim the exception. For each facility, information was provided indicating that all rural exception criteria—as outlined on p.12-13 of the Guidance Manual—had been met. OJJDP has continued to review these requests and, to date, nearly all have received responses.

In his policy memorandum dated February 13, 2008, OJJDP Administrator, Robert Flores, noted that States wishing to continue to use the rural exception must provide OJJDP with an annual certification, verifying that all conditions continue to be present and all requirements continue to be met. In accordance with this direction, OJJDP has developed the following guidelines for the certification process. Please note that this information represents a change from verbal guidance provided in the April Compliance Monitor conference calls.

Beginning in 2009, States seeking continued utilization of the rural exception for previously approved facilities should include this request as an attachment to their Title II Formula Grants application, due each year in March. Recertification requests received in March 2009, will cover State compliance reporting periods that begin on July 1, 2009 for those States whose reporting period reflects the State fiscal year; October 1, 2009 for those with federal fiscal year reporting periods; or January 1, 2010 for those who utilize calendar year reporting periods. OJJDP is currently working to develop a standard form that will be utilized for this recertification, and will provide this document to States upon its completion. Please be advised that recertification for 2009 compliance reporting periods (of requests submitted in 2007) is not required.

States requesting the rural exception for any new facilities should follow the same process utilized in 2007. Such requests may accompany the Title II Formula Grants application or may be submitted to your State Representative at any point throughout the year. Please remember that use of the rural exception in any new facility, must be approved by OJJDP prior to utilization.

We hope this information provides additional clarity on the rural exception process, and greatly appreciate adherence to this requirement by those states that utilize this exception. Should you have additional questions regarding the rural exception or its utilization, please feel free to contact OJJDP State Representative, Larry Fiedler, at 202-514-8822.

Sincerely,

A handwritten signature in black ink, appearing to be 'GT' with a stylized flourish.

Greg Thompson
Associate Administrator
State Relations and Assistance Division

Tab E

(Definitions)

Definitions

Adult Jail:

"Jail" means any place administered by the county sheriff and designed to hold prisoners for as long as lawfully required but not to exceed one year pursuant to Iowa Code chapters 356 and 356A. (*Iowa Administrative Code 201 – 50.1*)

Adult Lockup:

"Temporary holding facility" means secure holding rooms or cells administered by a law enforcement agency where detainees may be held for a limited period of time, not to exceed 24 hours, and a reasonable time thereafter to arrange for transportation to an appropriate facility. A law enforcement agency is not required to meet the standards for temporary holding facilities provided a detainee is held for less than two hours prior to transportation to an appropriate facility and a trained staff person of the agency is available to respond to, render aid to, or release the detainee in the event of a life-endangering emergency. (*Iowa Administrative Code 201 – 51.1*)

Juvenile Detention Facility:

"Juvenile detention home" means a physically restricting facility used only for the detention of children. (*Iowa State Code 232.2(32)*)

Juvenile Shelter Facility:

"Juvenile shelter care home" means a physically unrestricting facility used only for the shelter care of children. (*Iowa State Code 232.2(34)*)

Residential Treatment Facility:

"Comprehensive residential facility" means a facility which provides care and treatment for children who are unable to live in a family situation due to social, emotional, or physical disabilities and who require varying degrees of supervision as indicated in the individual treatment plan. Care includes room and board. Services include the internal capacity for individual, family, and group treatment. These services and others provided to the child shall be under the Administrative control of the facility. Community resources may be used for medical, recreational, and educational needs. Comprehensive residential facilities have higher staff to client ratios than community residential facilities and may use control rooms, locked cottages, mechanical restraints, and chemical restraints when these controls meet licensing requirements.

"Nonsecure facility" means any facility which does not meet the definition of a secure facility.

"Secure facility" means any comprehensive residential facility which employs, on a regular basis, locked doors or other physical means to prevent children in care from leaving the facility. Secure facilities may only be used for children who have been adjudicated delinquent or placed pursuant to provisions of Iowa Code chapter 229. (*Iowa Administrative Code 441 – 115.2*)

Mental Health Institute:

1. The state hospitals for persons with mental illness shall be designated as follows:

- a. Mental Health Institute, Mount Pleasant, Iowa.
- b. Mental Health Institute, Independence, Iowa.
- c. Mental Health Institute, Clarinda, Iowa.
- d. Mental Health Institute, Cherokee, Iowa.

2. The purpose of the mental health institutes is to operate as regional resource centers providing one or more of the following:

- a. Treatment, training, care, habilitation, and support of persons with mental illness or a substance abuse problem.
- b. Facilities, services, and other support to the communities located in the region being served by a mental health institute so as to maximize the usefulness of the mental health institutes while minimizing overall costs.
- c. A unit for the civil commitment of sexually violent predators committed to the custody of the director of human services pursuant to chapter 229A.

In addition, the mental health institutes are encouraged to act as a training resource for community-based program staff, medical students, and other participants in professional education programs. (*Iowa State Code 226.1 and 226.2*)

State Prisons:

The Iowa department of corrections is established to be responsible for the control, treatment, and rehabilitation of offenders committed under law to the following institutions:

1. Iowa correctional institution for women.
2. Anamosa state penitentiary.
3. Iowa state penitentiary.
4. Iowa medical and classification center.
5. North central correctional facility at Rockwell City.
6. Mount Pleasant correctional facility.
7. Clarinda correctional facility.
8. Newton correctional facility.
9. Fort Dodge correctional facility.
10. Rehabilitation camps.
11. Other institutions related to an institution in subsections 1 through 10

but not attached to the campus of the main institution as program developments require. (*Iowa State Code 904.102*)

Department of Public Safety:

It shall be the duty of the department to prevent crime, to detect and apprehend criminals, and to enforce such other laws as are hereinafter specified. A peace officer of the department when authorized by the commissioner shall have and exercise all the powers of any other peace officer of the state. (*Iowa State Code 80.9*)

State University, Public Safety:

The board may authorize any institution under its control to commission one or more of its employees as special security officers. Special security officers shall have the powers, privileges, and immunities of regular peace officers when acting in the interests of the institution by which they are employed. The board shall provide as rapidly as practicable for the adequate training of such special security officers at the Iowa law enforcement academy or in an equivalent training program, unless they have already received such training. (*Iowa State Code 262.13*)

State Training School:

1. Effective January 1, 1992, a diagnosis and evaluation center and other units are established at Eldora to provide to juvenile delinquents a program which focuses upon appropriate developmental skills, treatment, placements, and rehabilitation.
2. The diagnosis and evaluation center which is used to identify appropriate treatment and placement alternatives for juveniles and any other units for juvenile delinquents which are located at Eldora and the unit for juvenile delinquents at Toledo shall together be known as the "state training school". For the purposes of this chapter "director" means the director of human services and "superintendent" means the administrator in charge of the diagnosis and evaluation center for juvenile delinquents and other units at Eldora and the unit for juvenile delinquents at Toledo. (*Iowa State Code 233A.1(1) and 233A.1(2)*)

Youth Handgun Safety Act Exception:

The Iowa Code §724.4 requires that an individual have a valid permit to carry a handgun. Under Iowa Code §724.15 to acquire a permit to carry a handgun the individual must be at least 21 years of age.

Six-Hour Hold Exception

The Iowa Code §232.22(3)(a) allows a child to be held at an adult county jail or city lock-up for a maximum of 6-hours give that there is probable cause to believe that the child has committed a delinquent act which if committed by an adult would be a felony, an aggravated assault, aggravated sexual assault, operating a vehicle while intoxicated or public intoxication; the child is at least 14 years of age; the child constitutes a serious threat to others or the property of others; no juvenile detention center or other court designated placement is available; the facility has adequate staff to monitor the child's activities at all times; and the child is confined sight and separate from adult inmates.

Removal "Rural" Exception

The Iowa Code §232.22(5) allows a child to be held in a rural adult county jail or city lock-up for up to 24-hours, excluding weekends and legal holidays, if the facility receives a magistrates or judges order, serves a geographic area outside a MSA; the court determines that an acceptable alternative placement does not exist; the facility has been certified to provide sight and sound separation; and the child is awaiting an initial court appearance.

Transfer Exception

Iowa Code §356.3 still requires that all juveniles in the custody of an adult county jail or city lock-up when securely confined will be confined in a manner that prohibits the contact, both visual and verbal, between the juvenile and adult inmates regardless of which court has jurisdiction of the case. The only exception is for juveniles age 16 or 17 that have committed a forcible felony or some exclusion felonies. By statute they are excluded from the original jurisdiction of the juvenile court and will begin the court process in the adult court. The Iowa Code does not require that they be detained in a sight and sound separate manner; however, the Attorney General has written an opinion that states "Deviation from the requirement of sight and sound separation is permitted only when impracticable or unreasonable in light of concerns with public safety, protection of children, and other competing interests."

CHAPTER 50 JAIL FACILITIES

201 – 50.1(356,356A) Definitions. The following are defined terms:

“Activity area” means such area, distinct from the living unit, where prisoners may congregate for programming. This area is to be under constant staff observation.

“Alternative jail facility” means a facility designated pursuant to Iowa Code chapter 356A, and which is used as a halfway-house-type facility rather than a jail-type operation. These facilities shall be subject to inspection and accreditation by the state jail inspector utilizing applicable administrative rules for residential facilities pursuant to 201—Chapter 43 and other acceptable operational standards.

“Average daily population” means the average number of prisoners housed daily during any given time period.

“Barrier free” means no walls or other obstructions impeding contact by staff within their assigned area of operation.

“Capacity” means the number of prisoner occupants which any cell, room, unit, building, facility or combination thereof may accommodate according to the square footage and fixture requirements of the standards.

“Cell” means prisoner occupancy bedroom space with toilet and lavatory facilities.

“Cellblock” means a group of cells with an associated dayroom.

“Classification” means a system of obtaining pertinent information concerning prisoners with which to make a decision on assignment of appropriate housing, security level, and activities.

“Continuous visual observation” means uninterrupted visual contact unaided by closed circuit television (CCTV).

“Dayroom” means a common space shared by prisoners residing in a cell or group of cells, to which prisoners are admitted for activities such as dining, bathing, or passive recreation and which are situated immediately adjacent to prisoner sleeping areas.

“Detention area” means that portion of the facility used to confine prisoners.

“Direct supervision jail” means a style of jail construction designed to facilitate direct contact between officers and prisoners. The officer is stationed inside the housing unit. Evaluation and classification of prisoners are ongoing and continuous functions of a direct supervision jail and are based on close contact with prisoners.

“Disability” means a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment.

“DOC” means the Iowa department of corrections.

“Dormitory” means an open area for two or more prisoners with all fixtures self-contained. There is no barrier between the sleeping area and other fixtures such as shower, table, recreation equipment, or similar items.

“Emergency situation” means any significant disruption of normal operations caused by riot, strike, escape, fire, natural disaster or other serious incident.

“Evaluation” means an ongoing process whereby judgments are made concerning a prisoner based upon the behavior of that prisoner.

“Existing facility” means any place in use as a jail or for which bids have been let for construction prior to September 12, 2001.

“Holding cell” means a secure room or cell where prisoners may be held up to 24 hours while awaiting the procedure of commitment or release or court appearances.

“Holdover” means a nonsecure area within a law enforcement facility, hospital, mental health facility or other existing public building that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area which is unable to be locked.

“Housing unit” means a detention area. This area may be a single occupancy cell, multiple occupancy cell, cellblock, or dormitory.

“Inspection unit” means the state jail inspection unit.

“Jail” means any place administered by the county sheriff and designed to hold prisoners for as long as lawfully required but not to exceed one year pursuant to Iowa Code chapters 356 and 356A.

“Jail administrator” means the sheriff, sheriff’s designee, or the executive head of any agency operating a jail. The jail administrator shall be responsible for the operation of the facility according to these rules.

“Jailer” means any person who is involved in the booking or supervision of prisoners, who has direct contact

with prisoners or who has control over the movement or release of prisoners within the jail. Jailers shall meet the requirements of rules 201—50.10(356,356A) and 50.11(356,356A), Iowa Administrative Code.

“Jail inspector” means the department of corrections employee responsible for inspections of jails and enforcement of these rules by authority of Iowa Code section 356.43.

“Jail supervisor” means any person who is responsible for the routine operation of a jail during assigned duty hours. While this person does not have to be on the premises at all times, the person must be readily available for consultation.

“Juvenile” means any person under the age of 18 years.

“Living unit” means an area within a housing unit and that contains individual sleeping compartments, dayrooms, all necessary personal hygiene fixtures, and sufficient tables and seats to accommodate capacity.

“Lock down” means whenever prisoners are required to be in their individual cells or locked in same.

“Mail” means anything that is sent to or by prisoners through the United States Postal Service.

“Major remodeling” means construction that changes the architectural design of an existing jail and that increases or decreases capacity.

“Medical practitioner” means a licensed physician, licensed osteopathic physician or physician’s assistant or medical resources such as a hospital or clinic.

“Mental illness” means a psychiatric illness or disease expressed primarily through abnormalities of thought, feeling, and behavior producing either distress or impaired function.

“Minister” means a trained person ordained or licensed by a bona fide religion to conduct the services of that faith.

“Monitoring” means having a reasonable degree of knowledge or awareness of what activities a prisoner is engaged in during incarceration.

“Multiple occupancy cell” means a cell designed for more than one prisoner and accessible to a dayroom.

“Nonsecure hold” means a nonsecure area within a law enforcement facility and which is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area which is unable to be locked.

“Person performing jail duties” means all persons directly involved in the provision of services to prisoners or the operation of a jail except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a jailer.
2. Individuals such as maintenance personnel, cooks, and janitors, if they do not have direct contact with prisoners or routine access to areas occupied by prisoners.

“Physical jeopardy” means, due to the prisoner’s physical or mental condition, the prisoner is in peril of serious physical harm.

“Pod” means a grouping of two or more housing units, usually found in large facilities, which will aid in the control of prisoners.

“Prisoner” means any individual confined in a jail.

“Residential facilities” means the facilities governed by 201—Chapter 43.

“Roving supervising officer” means an officer who provides direct supervision of prisoners by continuously moving through the housing unit, cells, and activity area of the unit.

“Segregation cell” means a single occupancy cell equipped with tamper-resistant bunks, a toilet, and a wash basin which are of the type recommended for maximum security housing.

“Unencumbered space” is floor space that is not encumbered by furnishings or fixtures. Unencumbered space is determined by subtracting the floor area encumbered by furnishings and fixtures from the total floor area. (All fixtures must be in operational position for these calculations.)

“Waiver/variance” means a waiver of a specific standard granted by the Iowa department of corrections in accordance with 201—Chapter 7.

“Weapons” means any instrument, excluding restraining devices and chemical control agents, with a primary intended use of self-defense, protection of another, or to gain or maintain compliance from an individual.

CHAPTER 51 TEMPORARY HOLDING FACILITIES

201 – 51.1(356,356A) Definitions.

“Capacity” means the number of prisoner or detainee occupants which any cell, room, unit, building, facility or combination thereof may accommodate according to the square footage requirements of the standards.

“Cell” means single occupancy bedroom space with toilet and lavatory facilities.

“Classification” means a system of obtaining pertinent information concerning detainees with which to make a decision on assignment of appropriate housing, security level, and activities.

“Detainee” means any individual confined in a temporary holding facility.

“Detention area” means that portion of the facility used to confine detainees.

“DOC” means the Iowa department of corrections.

“Dormitory” means an open area for two or more detainees with all fixtures self-contained. There is no barrier between the sleeping area and other fixtures such as shower, table, recreation equipment, or similar items.

“Emergency situation” means any significant disruption of normal operations caused by riot, strike, escape, fire, natural disaster or other serious incident.

“Existing facility” means any place in use as a jail or temporary holding facility or for which bids have been let for construction prior to September 12, 2001.

“Facility” means a temporary holding facility as defined by these rules.

“Holding cell” means a secure room or cell where detainees may be held up to 24 hours while awaiting the procedure of commitment or release or court appearances.

“Holdover” means a nonsecure area within a law enforcement facility, hospital, mental health facility or other existing public building that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area which is unable to be locked.

“Housing unit” means an individual detention area. This area may be a single occupancy cell, multiple occupancy cell, cellblock, or dormitory.

“Inspection unit” means the state jail inspection unit.

“Jail inspector” means the department of corrections employee responsible for inspections of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

“Juvenile” means any person under the age of 18 years.

“Mail” means anything that is sent to or by a detainee through the United States Postal Service.

“Major remodeling” means construction that changes the architectural design of an existing facility and that increases or decreases capacity.

“Medical practitioner” means licensed physician, licensed osteopathic physician or physician’s assistant or medical resources such as a hospital or clinic.

“Mental illness” means a psychiatric illness or disease expressed primarily through abnormalities of thought, feeling, and behavior producing either distress or impaired function.

“Minister” means a trained person ordained or licensed by a bona fide religion to conduct the services of that faith.

“Monitoring” means having a reasonable degree of knowledge or awareness of what activities a detainee is engaged in during incarceration.

“Multiple occupancy cell” means a cell designed for no more than six detainees.

“Nonsecure hold” means a nonsecure area within a law enforcement facility and which is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area which is unable to be locked.

“Person performing temporary holding facilities duties” means all persons directly involved in the provision of services to detainees or the operation of a facility except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a facility supervisor.

2. Individuals such as maintenance personnel, cooks, and janitors, if they do not have direct contact with detainees or routine access to areas occupied by detainees.

“Physical jeopardy” means, due to the detainee’s physical or mental condition, the detainee is in peril of

serious physical harm.

“Residential facilities” means the facilities governed by 201—Chapter 43.

“Temporary holding facility” means secure holding rooms or cells administered by a law enforcement agency where detainees may be held for a limited period of time, not to exceed 24 hours, and a reasonable time thereafter to arrange for transportation to an appropriate facility. A law enforcement agency is not required to meet the standards for temporary holding facilities provided a detainee is held for less than two hours prior to transportation to an appropriate facility and a trained staff person of the agency is available to respond to, render aid to, or release the detainee in the event of a life-endangering emergency.

“Temporary holding facility administrator” means the executive head of any law enforcement agency, or the executive’s designee, operating a temporary holding facility. The temporary holding facility administrator shall be responsible for the operation of the facility according to these rules.

“Temporary holding facility inspector” means the department of corrections employee responsible for inspection of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

“Temporary holding facility supervisor” means any person who is responsible for the routine operation of the facility during the person’s assigned duty hours. This person need not be on the premises at all times, but must be readily available for consultation.

“Unencumbered space” means floor space that is not encumbered by furnishings or fixtures. “Unencumbered space” is determined by subtracting the floor area encumbered by furnishings and fixtures from the total floor area. (All fixtures must be in operational position for these calculations.)

“Waiver/variance” means waiver of a specific standard granted by the jail inspection unit in accordance with these rules.

“Weapon” means any instrument with a primary intended use of self-defense or protection of another or to gain or maintain compliance from an individual. See paragraph 51.11(2) “b.”

232.2 Definitions.

5. "Child" means a person under eighteen years of age.
12. "Delinquent act" means:
 - a. The violation of any state law or local ordinance which would constitute a public offense if committed by an adult except any offense which by law is exempted from the jurisdiction of this chapter.
 - b. The violation of a federal law or a law of another state which violation constitutes a criminal offense if the case involving that act has been referred to the juvenile court.
 - c. The violation of section 123.47 which is committed by a child.
15. "Detention" means the temporary care of a child in a physically restricting facility designed to ensure the continued custody of the child at any point between the child's initial contact with the juvenile authorities and the final disposition of the child's case.
19. "Dispositional hearing" means a hearing held after an adjudication to determine what dispositional order should be made.
29. "Juvenile" means the same as "child". However, in the interstate compact on juveniles, sections 232.171 and 232.172, "juvenile" means a person defined as a juvenile in the law of a state which is a party to the compact.
32. "Juvenile detention home" means a physically restricting facility used only for the detention of children.
34. "Juvenile shelter care home" means a physically unrestricting facility used only for the shelter care of children.
37. "Nonsecure facility" means a physically unrestricting facility in which children may be placed pursuant to a dispositional order of the court made in accordance with the provisions of this chapter.
48. "Secure facility" means a physically restricting facility in which children adjudicated to have committed a delinquent act may be placed pursuant to a dispositional order of the court
55. "Taking into custody" means an act which would be governed by the laws of arrest under the criminal code if the subject of the act were an adult. The taking into custody of a child is subject to all constitutional and statutory protections which are afforded an adult upon arrest.

CHAPTER 115
LICENSING AND REGULATION OF
COMPREHENSIVE RESIDENTIAL FACILITIES FOR CHILDREN

441-115.2(237)Definitions

“Comprehensive residential facility” means a facility which provides care and treatment for children who are unable to live in a family situation due to social, emotional, or physical disabilities and who require varying degrees of supervision as indicated in the individual treatment plan. Care includes room and board. Services include the internal capacity for individual, family, and group treatment. These services and others provided to the child shall be under the administrative control of the facility. Community resources may be used for medical, recreational, and educational needs. Comprehensive residential facilities have higher staff to client ratios than community residential facilities and may use control rooms, locked cottages, mechanical restraints, and chemical restraints when these controls meet licensing requirements.

“Nonsecure facility” means any facility which does not meet the definition of a secure facility.

“Secure facility” means any comprehensive residential facility which employs, on a regular basis, locked doors or other physical means to prevent children in care from leaving the facility. Secure facilities may only be used for children who have been adjudicated delinquent or placed pursuant to provisions of Iowa Code chapter 229.

This rule is intended to implement Iowa Code chapter 237.

226.1 Official designation.

1. The state hospitals for persons with mental illness shall be designated as follows:
 - a.* Mental Health Institute, Mount Pleasant, Iowa.
 - b.* Mental Health Institute, Independence, Iowa.
 - c.* Mental Health Institute, Clarinda, Iowa.
 - d.* Mental Health Institute, Cherokee, Iowa.
 2. The purpose of the mental health institutes is to operate as regional resource centers providing one or more of the following:
 - a.* Treatment, training, care, habilitation, and support of persons with mental illness or a substance abuse problem.
 - b.* Facilities, services, and other support to the communities located in the region being served by a mental health institute so as to maximize the usefulness of the mental health institutes while minimizing overall costs.
 - c.* A unit for the civil commitment of sexually violent predators committed to the custody of the director of human services pursuant to chapter [229A](#) .
- In addition, the mental health institutes are encouraged to act as a training resource for community-based program staff, medical students, and other participants in professional education programs.
3. A mental health institute may request the approval of the council on human services to change the name of the institution for use in communication with the public, in signage, and in other forms of communication.

[R60, §1471; C73, §1383; C97, §2253; S13, §2253-a; C24, 27, 31, 35, 39, § **3483**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.1]

96 Acts, ch [1129](#), [§113](#) ; 98 Acts, ch [1155](#), [§10](#) ; 2001 Acts, 2nd Ex, ch [6](#), [§33](#) , [37](#)

Department of human services may collocate the unit for civil commitment of sexually violent predators at mental health institute at Mount Pleasant; 2001 Acts, 2nd Ex, ch [6](#), [§35](#) , [37](#)

226.2 Qualifications of superintendent.

The superintendent of each institute must be qualified by experience and training in the administration of human service programs. A physician shall not serve as both superintendent and business manager. A hospital administrator or other person qualified in business management appointed superintendent may also be designated to perform the duties of business manager without additional compensation. A physician appointed superintendent shall be designated clinical director and shall perform the duties imposed on the superintendent by section [226.6](#) , subsection 1, and such other duties of the superintendent as must by their nature be performed by a physician.

[R60, §1430, 1474; C73, §1386, 1391; C97, §2255, 2258; C24, 27, 31, 35, 39, § **3484**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.2; 81 Acts, ch 79, §1]

904.102 Department established — institutions.

The Iowa department of corrections is established to be responsible for the control, treatment, and rehabilitation of offenders committed under law to the following institutions:

1. Iowa correctional institution for women.
2. Anamosa state penitentiary.
3. Iowa state penitentiary.
4. Iowa medical and classification center.
5. North central correctional facility at Rockwell City.
6. Mount Pleasant correctional facility.
7. Clarinda correctional facility.
8. Newton correctional facility.
9. Fort Dodge correctional facility.
10. Rehabilitation camps.
11. Other institutions related to an institution in subsections 1 through 10 but not attached to the campus of the main institution as program developments require.

83 Acts, ch 96, §3, 159

CS83, §217A.2

84 Acts, ch 1184, §1; 84 Acts, ch 1219, §9; 85 Acts, ch 21, §13, 54

CS85, §246.102

C93, §904.102

97 Acts, ch [130](#), §2 – 4

80.9 Duties of department - duties and powers of peace officers - state patrol.

It shall be the duty of the department to prevent crime, to detect and apprehend criminals, and to enforce such other laws as are hereinafter specified. A peace officer of the department when authorized by the commissioner shall have and exercise all the powers of any other peace officer of the state.

1. A peace officer shall not exercise the general powers of a peace officer within the limits of any city, except:

- a.* When so ordered by the direction of the governor;
- b.* When request is made by the mayor of any city, with the approval of the commissioner;
- c.* When request is made by the sheriff or county attorney of any county with the approval of the commissioner;
- d.* While in the pursuit of law violators or in investigating law violations;
- e.* While making any inspection provided by this chapter, or any additional inspection ordered by the commissioner;
- f.* When engaged in the investigating and enforcing of fire and arson laws;
- g.* When engaged in the investigation and enforcement of laws relating to narcotic, counterfeit, stimulant, and depressant drugs.

When a peace officer of the department is acting in cooperation with any other local peace officer, or county attorney in general criminal investigation work, or when acting on a special assignment by the commissioner, the jurisdiction of the peace officer is statewide.

However, the above limitations shall in no way be construed as a limitation as to their power as officers when a public offense is being committed in their presence.

2. In more particular, the duties of a peace officer shall be as follows:

- a.* To enforce all state laws.
- b.* To enforce all laws relating to traffic on the public highways of the state, including those relating to the safe and legal operation of passenger cars, motorcycles, motor trucks and buses; to see that proper safety rules are observed and to give first aid to the injured.
- c.* To investigate all fires; to apprehend persons suspected of arson; to enforce all safety measures in connection with the prevention of fires; to disseminate fire-prevention education; to develop training standards and provide training to fire fighters around the state; and to address other issues related to fire service and emergency response as requested by the state fire service and emergency response council.
- d.* To collect and classify, and keep at all times available, complete information useful for the detection of crime, and the identification and apprehension of criminals. Such information shall be available for all peace officers within the state, under such regulations as the commissioner may prescribe. The provisions of chapter 141A do not apply to the entry of human immunodeficiency virus-related information by criminal or juvenile justice agencies, as defined in section 692.1, into the Iowa criminal justice information system or the national crime information center system. The provisions of chapter 141A also do not apply to the transmission of the same information from either or both information systems to criminal or juvenile justice agencies. The provisions of chapter 141A also do not apply to the transmission of the same information from either or both information systems to employees of state correctional institutions subject to the jurisdiction of the department of corrections, employees of secure facilities for juveniles subject to the jurisdiction of the department of human services, and employees of city and county jails, if those employees have direct physical supervision over inmates of those facilities or institutions. Human immunodeficiency virus-related information shall not be transmitted over the police radio broadcasting system under chapter 693 or any other radio-based communications system. An employee of an agency receiving human immunodeficiency virus-related information under this section who communicates the information to another employee who does not have direct physical supervision over inmates, other than to a supervisor of an employee who has direct physical supervision over inmates for the purpose of conveying the information to such an employee, or who communicates

the information to any person not employed by the agency or uses the information outside the agency is guilty of a class "D" felony. The commissioner shall adopt rules regarding the transmission of human immunodeficiency virus-related information including provisions for maintaining confidentiality of the information. The rules shall include a requirement that persons receiving information from the Iowa criminal justice information system or the national crime information center system receive training regarding confidentiality standards applicable to the information received from the system. The commissioner shall develop and establish, in cooperation with the department of corrections and the Iowa department of public health, training programs and program criteria for persons receiving human immunodeficiency virus-related information through the Iowa criminal justice information system or the national crime information center system.

e. To operate such radio broadcasting stations as may be necessary in order to disseminate information which will make possible the speedy apprehension of lawbreakers, as well as such other information as may be necessary in connection with the duties of this office.

f. Provide protection and security for persons and property on the grounds of the state capitol complex.

g. To assist persons who are responsible for the care of private and public land in identifying growing marijuana plants when the plants are reported to the department. The department shall also provide education to the persons regarding methods of eradicating the plants. The department shall adopt rules necessary to carry out this paragraph.

h. To maintain a vehicle theft unit in the state patrol to investigate and assist in the examination and identification of stolen, altered, or forfeited vehicles.

i. Receive and review the budget submitted by the state fire marshal and the state fire service and emergency response council.

j. To administer section [100B.31](#) relating to volunteer emergency services provider death benefits.

3. A peace officer may administer oaths, acknowledge signatures, and take voluntary testimony pursuant to the peace officer's duties as provided by law.

4. The state patrol is established in the department. The patrol shall be under the direction of the commissioner. The number of supervisory officers shall be in proportion to the membership of the state patrol.

5. The department shall be primarily responsible for the enforcement of all laws and rules relating to any controlled substance or counterfeit substance, except for making accountability audits of the supply and inventory of controlled substances in the possession of pharmacists, physicians, hospitals, and health care facilities as defined in section [135C.1](#) , as well as in the possession of any and all other individuals or institutions authorized to have possession of any controlled substances.

[C73, §120; C97, §147, 148; SS15, §65-b, 147; C24, §273, 13410; C27, 31, §273, 5017-a1, 13410; C35, §273, 5018-g6, 13410; C39, § [273](#), [1225.13](#); C46, 50, 54, 58, 62, 66, 71, §18.2(1, 4), 80.9; C73, §19A.3(4), 80.9; C75, §18.3(4), 80.9; C77, 79, 81, §80.9]

90 Acts, ch 1179, §1; 91 Acts, ch 34, §1; 92 Acts, ch 1238, §18; 94 Acts, ch [1154](#), [§1](#) ; 95 Acts, ch [191](#), [§2](#) ; 98 Acts, ch [1074](#), [§6](#) ; 99 Acts, ch [181](#), [§1](#) ; 2000 Acts, ch [1117](#), [§4](#) , [5](#) ; 2000 Acts, ch [1232](#), [§96](#) ; 2005 Acts, ch [35](#), [§4 - 8](#) , [31](#) ; 2007 Acts, ch [38](#), [§1 - 3](#)

Department designated as state highway safety agency to receive federal funds; Executive Order No. 23; June 9, 1986

Subsection 1, unnumbered paragraph 1 amended

Subsection 2, unnumbered paragraph 1 amended

Subsection 3 amended

262.13 Security officers at institutions as peace officers.

The board may authorize any institution under its control to commission one or more of its employees as special security officers. Special security officers shall have the powers, privileges, and immunities of regular peace officers when acting in the interests of the institution by which they are employed. The board shall provide as rapidly as practicable for the adequate training of such special security officers at the Iowa law enforcement academy or in an equivalent training program, unless they have already received such training.

[C71, 73, 75, 77, 79, 81, §262.13]

233A.1 State training school - Eldora and Toledo.

1. Effective January 1, 1992, a diagnosis and evaluation center and other units are established at Eldora to provide to juvenile delinquents a program which focuses upon appropriate developmental skills, treatment, placements, and rehabilitation.

2. The diagnosis and evaluation center which is used to identify appropriate treatment and placement alternatives for juveniles and any other units for juvenile delinquents which are located at Eldora and the unit for juvenile delinquents at Toledo shall together be known as the "*state training school*". For the purposes of this chapter "*director*" means the director of human services and "*superintendent*" means the administrator in charge of the diagnosis and evaluation center for juvenile delinquents and other units at Eldora and the unit for juvenile delinquents at Toledo.

3. The number of children present at any one time at the state training school at Eldora shall not exceed the population guidelines established under 1990 Iowa Acts, chapter 1239, section 21, as adjusted for subsequent changes in the capacity at the training school.

[S13, §2701-a; C24, 27, 31, 35, 39, § **3685**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §242.1; 82 Acts, ch 1260, §25]

83 Acts, ch 96, §157, 159; 90 Acts, ch 1239, §15, 16

C93, §233A.1

2005 Acts, ch [175](#), [§102](#)

226.9A Custody of juvenile patients.

Effective January 1, 1991, a juvenile who is committed to a state mental health institute shall not be placed in a secure ward with adults.

89 Acts, ch 283, §21

229.2 Application for voluntary admission - authority to receive voluntary patients.

1. An application for admission to a public or private hospital for observation, diagnosis, care, and treatment as a voluntary patient may be made by any person who is mentally ill or has symptoms of mental illness.

In the case of a minor, the parent, guardian, or custodian may make application for admission of the minor as a voluntary patient.

a. Upon receipt of an application for voluntary admission of a minor, the chief medical officer shall provide separate prescreening interviews and consultations with the parent, guardian or custodian and the minor to assess the family environment and the appropriateness of the application for admission.

b. During the interview and consultation the chief medical officer shall inform the minor orally and in writing that the minor has a right to object to the admission. If the chief medical officer of the hospital to which application is made determines that the admission is appropriate but the minor objects to the admission, the parent, guardian or custodian must petition the juvenile court for approval of the admission before the minor is actually admitted.

c. As soon as is practicable after the filing of a petition for juvenile court approval of the admission of the minor, the juvenile court shall determine whether the minor has an attorney to represent the minor in the hospitalization proceeding, and if not, the court shall assign to the minor an attorney. If the minor is financially unable to pay for an attorney, the attorney shall be compensated by the county at an hourly rate to be established by the county board of supervisors in substantially the same manner as provided in section [815.7](#).

d. The juvenile court shall determine whether the admission is in the best interest of the minor and is consistent with the minor's rights.

e. The juvenile court shall order hospitalization of a minor, over the minor's objections, only after a hearing in which it is shown by clear and convincing evidence that:

(1) The minor needs and will substantially benefit from treatment.

(2) No other setting which involves less restriction of the minor's liberties is feasible for the purposes of treatment.

f. Upon approval of the admission of a minor over the minor's objections, the juvenile court shall appoint an individual to act as an advocate representing the interests of the minor in the same manner as an advocate representing the interests of patients involuntarily hospitalized pursuant to section [229.19](#).

2. Upon receiving an application for admission as a voluntary patient, made pursuant to subsection 1:

a. The chief medical officer of a public hospital shall receive and may admit the person whose admission is sought, subject in cases other than medical emergencies to availability of suitable accommodations and to the provisions of sections [229.41](#) and [229.42](#).

b. The chief medical officer of a private hospital may receive and may admit the person whose admission is sought.

[R60, §1480; C73, §1399; C97, §2264; C24, 27, 31, 35, 39, § [3544](#); C46, §229.1; C50, 54, 58, 62, 66, 71, 73, 75, §229.1, 229.41; C77, 79, 81, §229.2]

87 Acts, ch 90, §2; 99 Acts, ch [135](#), §17

229.6 Application for order of involuntary hospitalization.

Proceedings for the involuntary hospitalization of an individual may be commenced by any interested person by filing a verified application with the clerk of the district court of the county where the respondent is presently located, or which is the respondent's place of residence. The clerk, or the clerk's designee, shall assist the applicant in completing the application. The application shall:

1. State the applicant's belief that the respondent is seriously mentally impaired.

2. State any other pertinent facts.

3. Be accompanied by:

- a.* A written statement of a licensed physician in support of the application; or
- b.* One or more supporting affidavits otherwise corroborating the application; or
- c.* Corroborative information obtained and reduced to writing by the clerk or the clerk's designee, but only when circumstances make it infeasible to comply with, or when the clerk considers it appropriate to supplement the information supplied pursuant to, either paragraph "*a*" or paragraph "*b*" of this subsection.

[R60, §1480; C73, §1399; C97, §2264; C24, 27, 31, 35, 39, § **3544**; C46, 50, 54, 58, 62, 66, 71, 73, 75, §229.1; C77, 79, 81, §229.6]

Summary of involuntary commitment procedures available from clerk; see § [229.45](#)

229.6A Hospitalization of minors - jurisdiction - due process.

1. Notwithstanding section [229.11](#) , the juvenile court has exclusive original jurisdiction in proceedings concerning a minor for whom an application for involuntary admission is filed under section [229.6](#) or for whom an application for voluntary admission is made under section [229.2](#) , subsection 1, to which the minor objects. In proceedings under this chapter concerning a minor, notwithstanding section [229.11](#) , the term "*court*" , "*judge*" , or "*clerk*" means the juvenile court, judge, or clerk.

2. The procedural requirements of this chapter are applicable to minors involved in hospitalization proceedings pursuant to subsection 1 and placement proceedings pursuant to section [229.14A](#) .

3. It is the intent of this chapter that when a minor is involuntarily or voluntarily hospitalized or hospitalized with juvenile court approval over the minor's objection the minor's family shall be included in counseling sessions offered during the minor's stay in a hospital when feasible. Prior to the discharge of the minor the juvenile court may, after a hearing, order that the minor's family be evaluated and therapy ordered if necessary to facilitate the return of the minor to the family setting.

87 Acts, ch 90, §3; 92 Acts, ch 1124, §2; 2001 Acts, ch [155](#), §29

232.22 Placement in detention.

1. A child shall not be placed in detention unless one of the following conditions is met:

- a.* The child is being held under warrant for another jurisdiction.
- b.* The child is an escapee from a juvenile correctional or penal institution.
- c.* There is probable cause to believe that the child has violated conditions of release imposed under section [232.44](#) , subsection 5, paragraph "*b*" , or section [232.52](#) or [232.54](#) , and there is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance.
- d.* There is probable cause to believe the child has committed a delinquent act, and one of the following conditions is met:
 - (1) There is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance.
 - (2) There is a serious risk that the child if released may commit an act which would inflict serious bodily harm on the child or on another.
 - (3) There is a serious risk that the child if released may commit serious damage to the property of others.
- e.* There is probable cause to believe that the child has committed a delinquent act involving possession with intent to deliver any of the following controlled substances:
 - (1) A mixture or substance containing cocaine base, also known as crack cocaine, and if the act was committed by an adult, it would be a violation of section [124.401](#) , subsection 1, paragraph "*a*" , subparagraph (3), paragraph "*b*" , subparagraph (3), or paragraph "*c*" , subparagraph (3).
 - (2) A mixture or substance containing cocaine, its salts, optical and geometric isomers, and salts of isomers, and if the act was committed by an adult, it would be a violation of section [124.401](#) , subsection 1, paragraph "*a*" , subparagraph (2), subparagraph subdivision (b), paragraph "*b*" , subparagraph (2), subparagraph subdivision (b), or paragraph "*c*" , subparagraph (2), subparagraph subdivision (b).
 - (3) A mixture or substance containing methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, and if the act was committed by an adult, it would be a violation of section [124.401](#) , subsection 1.
- f.* A dispositional order has been entered under section [232.52](#) placing the child in secure custody in a facility defined in subsection 3, paragraph "*a*" or "*b*" .
- g.* There is probable cause to believe that the child has committed a delinquent act which would be domestic abuse under chapter [236](#) or a domestic abuse assault under section [708.2A](#) if committed by an adult.

2. If deemed appropriate by the court, an order for placement of a child in detention may include a determination that continuation of the child in the child's home is contrary to the child's welfare and that reasonable efforts as defined in section [232.57](#) have been made. The inclusion of such a determination shall not under any circumstances be deemed a prerequisite for entering an order pursuant to this section. However, the inclusion of such a determination, supported by the record, may assist the department in obtaining federal funding for the child's placement.

3. Except as provided in subsection 7, a child may be placed in detention as provided in this section in one of the following facilities only:

- a.* A juvenile detention home.
- b.* Any other suitable place designated by the court other than a facility under paragraph "*c*" .
- c.* A room in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed a delinquent act which if committed by an adult would be a felony, or aggravated misdemeanor under section [708.2](#) or [709.11](#) , a serious or aggravated misdemeanor under section [321J.2](#) , or a violation of section [123.46](#) , and if all of the following apply:
 - (1) The child is at least fourteen years of age.

(2) The child has shown by the child's conduct, habits, or condition that the child constitutes an immediate and serious danger to another or to the property of another, and a facility or place enumerated in paragraph "a" or "b" is unavailable, or the court determines that the child's conduct or condition endangers the safety of others in the facility.

(3) The facility has an adequate staff to supervise and monitor the child's activities at all times.

(4) The child is confined in a room entirely separated from detained adults, is confined in a manner which prohibits communication with detained adults, and is permitted to use common areas of the facility only when no contact with detained adults is possible.

However, if the child is to be detained for a violation of section 123.46 or section 321J.2 , placement in a facility pursuant to this paragraph shall be made only after an attempt has been made to notify the parents or legal guardians of the child and request that the parents or legal guardians take custody of the child. If the parents or legal guardians cannot be contacted, or refuse to take custody of the child, an attempt shall be made to place the child in another facility, including but not limited to a local hospital or shelter care facility. Also, a child detained for a violation of section 123.46 or section 321J.2 pursuant to this paragraph shall only be detained in a facility with adequate staff to provide continuous visual supervision of the child.

d. A place used for the detention of children prior to an adjudicatory hearing may also be used for the detention of a child awaiting disposition to a placement under section 232.52 , subsection 2, paragraph "e" while the adjudicated child is awaiting transfer to the disposition placement.

4. A child shall not be held in a facility under subsection 3, paragraph "a" or "b" for a period in excess of twenty-four hours without an oral or written court order authorizing the detention. When the detention is authorized by an oral court order, the court shall enter a written order before the end of the next day confirming the oral order and indicating the reasons for the order.

5. A child shall not be detained in a facility under subsection 3, paragraph "c" for a period of time in excess of six hours without the oral or written order of a judge or a magistrate authorizing the detention. A judge or magistrate may authorize detention in a facility under subsection 3, paragraph "c" for a period of time in excess of six hours but less than twenty-four hours, excluding weekends and legal holidays, but only if all of the following occur or exist:

a. The facility serves a geographic area outside a standard metropolitan statistical area as determined by the United States census bureau.

b. The court determines that an acceptable alternative placement does not exist pursuant to criteria developed by the department of human services.

c. The facility has been certified by the department of corrections as being capable of sight and sound separation pursuant to this section and section 356.3 .

d. The child is awaiting an initial hearing before the court pursuant to section 232.44 .

The restrictions contained in this subsection relating to the detention of a child in a facility under subsection 3, paragraph "c" do not apply if the court has waived its jurisdiction over the child for the alleged commission of a felony offense pursuant to section 232.45 .

6. An adult within the jurisdiction of the court under section 232.8 , subsection 1, who has been placed in detention, is not bailable under chapter 811 . If such an adult is detained in a room in a facility intended or used for the detention of adults, the adult shall be confined in a room entirely separated from adults not within the jurisdiction of the court under section 232.8 , subsection 1.

7. If the court has waived its jurisdiction over the child for the alleged commission of a forcible felony offense pursuant to section 232.45 or 232.45A , and there is a serious risk that the child may commit an act which would inflict serious bodily harm on another person, the child may be held in the county jail, notwithstanding section 356.3 . However, wherever possible the child shall be held in sight and sound separation from adult offenders. A child held in the county jail under this subsection shall have all the rights of adult postarrest or pretrial detainees.

8. Notwithstanding any other provision of the Code to the contrary, a child shall not be placed in detention for a violation of section [123.47](#) , or for failure to comply with a dispositional order which provides for performance of community service for a violation of section [123.47](#) .

[S13, §254-a24; SS15, §254-a16; C24, 27, 31, 35, 39, § [3633](#); C46, 50, 54, 58, 62, §232.17; C66, 71, 73, 75, 77, §232.17 - 232.19; C79, 81, §232.22; 82 Acts, ch 1209, §4, 5]

86 Acts, ch 1186, §3; 87 Acts, ch 149, §2 - 4; 88 Acts, ch 1167, §2, 3; 91 Acts, ch 232, §2, 3; 92 Acts, ch 1231, §14, 15; 95 Acts, ch [180](#), [§3](#) ; 95 Acts, ch [191](#), [§9](#) ; 96 Acts, ch [1164](#), [§7](#) ; 97 Acts, ch [126](#), [§14](#) ; 2001 Acts, ch [135](#), [§6](#)

232.52 Disposition of child found to have committed a delinquent act.

1. Pursuant to a hearing as provided in section [232.50](#) , the court shall enter the least restrictive dispositional order appropriate in view of the seriousness of the delinquent act, the child's culpability as indicated by the circumstances of the particular case, the age of the child, the child's prior record, or the fact that the child has received a youthful offender deferred sentence under section [907.3A](#) . The order shall specify the duration and the nature of the disposition, including the type of residence or confinement ordered and the individual, agency, department or facility in whom custody is vested. In the case of a child who has received a youthful offender deferred sentence, the initial duration of the dispositional order shall be until the child reaches the age of eighteen.

2. The dispositional orders which the court may enter subject to its continuing jurisdiction are as follows:

a. An order prescribing one or more of the following:

- (1) A work assignment of value to the state or to the public.
- (2) Restitution consisting of monetary payment or a work assignment of value to the victim.
- (3) If the child is fourteen years of age or older, restitution consisting of monetary payment or a work assignment of value to the county or to the public for fees of attorneys appointed to represent the child at public expense pursuant to section [232.11](#) .
- (4) The suspension or revocation of the driver's license or operating privilege of the child, for a period of one year, for the commission of delinquent acts which are a violation of any of the following:
 - (a) Section [123.46](#) .
 - (b) Section [123.47](#) regarding the purchase or attempt to purchase of alcoholic beverages.
 - (c) Chapter [124](#) .
 - (d) Section [126.3](#) .
 - (e) Chapter [453B](#) .
 - (f) Two or more violations of section [123.47](#) regarding the possession of alcoholic beverages.
 - (g) Section [708.1](#) , if the assault is committed upon an employee of the school at which the child is enrolled, and the child intended to inflict serious injury upon the school employee or caused bodily injury or mental illness.
 - (h) Section [724.4](#) , if the child carried the dangerous weapon on school grounds.
 - (i) Section [724.4B](#) .

The child may be issued a temporary restricted license or school license if the child is otherwise eligible.

(5) The suspension of the driver's license or operating privilege of the child for a period not to exceed one year. The order shall state whether a work permit may or shall not be issued to the child.

An order under paragraph "a" may be the sole disposition or may be included as an element in other dispositional orders.

b. An order placing the child on probation and releasing the child to the child's parent, guardian or custodian.

c. An order providing special care and treatment required for the physical, emotional or mental health of the child, and

- (1) Placing the child on probation or other supervision; and

(2) If the court deems appropriate, ordering the parent, guardian, or custodian to reimburse the county for any costs incurred as provided in section [232.141](#) , subsection 1, or to otherwise pay or provide for such care and treatment.

A parent or guardian may be required by the juvenile court to participate in educational or treatment programs as part of a probation plan if the court determines it to be in the best interest of the child. A parent or guardian who does not participate in the probation plan when required to do so by the court may be held in contempt.

d. An order transferring the legal custody of the child, subject to the continuing jurisdiction of the court for purposes of section [232.54](#) , to one of the following:

- (1) An adult relative or other suitable adult and placing the child on probation.
- (2) A child-placing agency or other suitable private agency or facility which is licensed or otherwise authorized by law to receive and provide care for children and placing the child on probation or other supervision.

(3) The department of human services for purposes of foster care and prescribing the type of placement which will serve the best interests of the child and the means by which the placement shall be monitored by the court. The court shall consider ordering placement in family foster care as an alternative to group foster care.

(4) The chief juvenile court officer or the officer's designee for placement in a program under section [232.191](#) , subsection 4. The chief juvenile court officer or the officer's designee may place a child in group foster care for failure to comply with the terms and conditions of the supervised community treatment program for up to seventy-two hours without notice to the court or for more than seventy-two hours if the court is notified of the placement within seventy-two hours of placement, subject to a hearing before the court on the placement within ten days.

e. An order transferring the guardianship of the child, subject to the continuing jurisdiction and custody of the court for the purposes of section [232.54](#) , to the director of the department of human services for purposes of placement in the state training school or other facility, provided that the child is at least twelve years of age and the court finds the placement to be in the best interests of the child or necessary for the protection of the public, and that the child has been found to have committed an act which is a forcible felony, as defined in section [702.11](#) , or a felony violation of section [124.401](#) or chapter [707](#) , or the court finds any three of the following conditions exist:

(1) The child is at least fifteen years of age and the court finds the placement to be in the best interests of the child or necessary to the protection of the public.

(2) The child has committed an act which is a crime against a person and which would be an aggravated misdemeanor or a felony if the act were committed by an adult.

(3) The child has previously been found to have committed a delinquent act.

(4) The child has previously been placed in a treatment facility outside the child's home or in a supervised community treatment program established pursuant to section [232.191](#) , subsection 4, as a result of a prior delinquency adjudication.

f. An order committing the child to a mental health institute or other appropriate facility for the purpose of treatment of a mental or emotional condition after making findings pursuant to the standards set out for involuntary commitment in chapter [229](#) .

g. An order placing a child, other than a child who has committed a violation of section [123.47](#) , in secure custody for not more than two days in a facility under section [232.22](#) , subsection 3, paragraph "a" or "b" .

h. In the case of a child adjudicated delinquent for an act which would be a violation of chapter [236](#) or section [708.2A](#) if committed by an adult, an order requiring the child to attend a batterers' treatment program under section [708.2B](#) .

2A. Notwithstanding subsection 2, the court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the service area plan for group foster care established pursuant to section [232.143](#) for the departmental service area in which the court is located.

3. When the court enters an order placing a child on probation pursuant to this section, the court may in cases of change of residency transfer jurisdiction of the child to the juvenile court of the county where the child's residence is established. The court to which the jurisdiction of the child is transferred shall have the same powers with respect to the child as if the petition had originally been filed in that court.

4. When the court enters an order transferring the legal and physical custody of a child to an agency, facility, department or institution, the court shall transmit its order, its finding, and a summary of its information concerning the child to such agency, facility, department or institution.

5. If the court orders the transfer of custody of the child to the department of human services or other agency for placement, the department or agency responsible for the placement of the child shall submit a case permanency plan to the court and shall make every effort to return the child to the child's home as quickly as possible.

6. When the court orders the transfer of legal custody of a child pursuant to subsection 2, paragraph "d" , "e" , or "f" , the order shall state that reasonable efforts as defined in section [232.57](#) have been made. If deemed appropriate by the court, the order may include a determination that continuation of the child in the child's home is contrary to the child's welfare. The inclusion of such a determination shall not under any circumstances be deemed a prerequisite for entering an order pursuant to this section. However, the inclusion of such a determination, supported by the record, may be used to assist the department in obtaining federal funding for the child's placement. If such a determination is included in the order, unless the court makes a determination that further reasonable efforts are not required, reasonable efforts shall be made to prevent permanent removal of a child from the child's home and to encourage reunification of the child with the child's parents and family. The reasonable efforts may include but are not limited to early intervention and follow-up programs implemented pursuant to section [232.191](#) .

When the court orders the transfer of legal custody of a child pursuant to subsection 2, paragraph "d" , and the child is sixteen years of age or older, the order shall specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the child has a case permanency plan, the court shall consider the written transition plan of services and needs assessment developed for the child's case permanency plan. If the child does not have a case permanency plan containing the transition plan and needs assessment at the time the transfer order is entered, the written transition plan and needs assessment shall be developed and submitted for the court's consideration no later than six months from the date of the transfer order. The court shall modify the initial transfer order as necessary to specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the transition plan identifies services or other support needed to assist the child when the child becomes an adult and the court deems it to be beneficial to the child, the court may authorize the individual who is the child's guardian ad litem or court appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child's eighteenth birthday.

7. If the court orders the transfer of the custody of the child to the department of human services or to another agency for placement in group foster care, the department or agency shall make every reasonable effort to place the child in the least restrictive, most family-like, and most appropriate setting available and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

8. If a child has previously been adjudicated as a child in need of assistance, and a social worker or other caseworker from the department of human services has been assigned to work on the child's case, the court may order the department of human services to assign the same social worker or caseworker to work on any matters related to the child arising under this division.

9. *a.* Upon receipt of an application from the director of the department of human services, the court shall enter an order to temporarily transfer a child who has been placed in the state training school pursuant to subsection 2, paragraph "e" , to a facility which has been designated to be an alternative placement site for the state training school, provided the court finds that all of the following conditions exist:

(1) There is insufficient time to file a motion and hold a hearing for a substitute dispositional order under section [232.54](#) .

(2) Immediate removal of the child from the state training school is necessary to safeguard the child's physical or emotional health.

(3) That reasonable attempts to notify the parents, guardian ad litem, and attorney for the child have been made.

b. If the court finds the conditions in paragraph "a" exist and there is insufficient time to provide notice as required under rule of juvenile procedure [8.12](#) , the court may enter an ex parte order temporarily transferring the child to the alternative placement site.

c. Within three days of the child's transfer, the director shall file a motion for a substitute dispositional order under section [232.54](#) and the court shall hold a hearing concerning the motion within fourteen days of the child's transfer.

10. The court shall order a juvenile adjudicated a delinquent for an offense that requires DNA profiling under section [81.2](#) to submit a DNA sample for DNA profiling pursuant to section [81.4](#) .

[C73, §1653 - 1659; C97, §2708, 2709; S13, §254-a23, 2708; C24, 27, 31, 35, 39, § **3637, 3646, 3647, 3652**; C46, 50, 54, 58, 62, §232.27, 232.28, 232.34; C66, 71, 73, 75, 77, §232.34, 232.38, 232.39; C79, 81, §232.52; 82 Acts, ch 1260, §22]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1279, §5; 85 Acts, ch 124, §1; 88 Acts, ch 1249, §12, 13; 90 Acts, ch 1168, §35; 90 Acts, ch 1239, §7, 8; 90 Acts, ch 1271, §1505; 91 Acts, ch 232, §5, 6; 91 Acts, ch 258, §37; 92 Acts, ch 1229, §3; 92 Acts, ch 1231, §20, 21; 94 Acts, ch [1172](#), [§21](#) , [22](#) ; 95 Acts, ch [180](#), [§6](#) ; 95 Acts, ch [191](#), [§13](#) , [14](#) ; 96 Acts, ch [1134](#), [§2](#) ; 96 Acts, ch [1218](#), [§57](#) ; 97 Acts, ch [51](#), [§1](#) ; 97 Acts, ch [99](#), [§2](#) ; 97 Acts, ch [126](#), [§26](#) , [27](#) ; 97 Acts, ch [208](#), [§40](#) ; 98 Acts, ch [1073](#), [§9](#) ; 99 Acts, ch [208](#), [§35](#) ; 2001 Acts, ch [24](#), [§39](#) ; 2001 Acts, ch [135](#), [§7](#) ; 2002 Acts, ch [1081](#), [§2](#) ; 2003 Acts, ch [117](#), [§4](#) ; 2004 Acts, ch [1116](#), [§4](#) , [5](#) ; 2005 Acts, ch [158](#), [§12](#) , [19](#) ; 2007 Acts, ch [218](#), [§113](#)

Juvenile victim restitution, see chapter [232A](#)

Subsection 6, unnumbered paragraph 1 amended

356.3 Minors separately confined.

Any sheriff, city marshal, or chief of police, having in the officer's care or custody any prisoner under the age of eighteen years, shall keep such prisoner separate and apart, and prevent communication by such prisoner with prisoners above that age, while such prisoners are not under the personal supervision of such officer, if suitable buildings or jails are provided for that purpose, unless such prisoner is likely to or does exercise an immoral influence over other minors with whom the prisoner may be imprisoned.

A person under the age of eighteen years prosecuted under chapter 232 and not waived to criminal court shall be confined in a jail only under the conditions provided in chapter 232 .

Any officer having charge of prisoners who without just cause or excuse neglects or refuses to perform the duties imposed on the officer by this section may be suspended or removed from office therefor.

[C97, §5638; C24, 27, 31, 35, 39, § 5499; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.3]

Tab F

(Data Collection Instruments)

Agencies Responsible for Data Collection

The Department of Corrections, State Jail Inspection Unit collects monthly statistics from county jails and certified city lock-ups. This data is forwarded to the Division of Criminal and Juvenile Justice Planning.

The Division of Criminal and Juvenile Justice Planning collects statistics from juvenile detention centers on a quarterly basis, enhanced residential treatment facilities on a quarterly basis, state training school on a yearly basis, mental health institutes on a yearly basis, non-certified city lock-ups on a yearly basis.

The Division of Criminal and Juvenile Justice Planning is responsible for reviewing the statistics, validating data and determining any violations of the Juvenile Justice and Delinquency Prevention Act.

Facility Name:				Date Report Completed:							
Completed by:				Report Month:							
Department of Corrections											
County Jail and Lockup Monthly Prisoner Statistical Report											
Actual number of prisoners as of 00:01 a.m. on first day of report month:				Actual number of prisoners as of 00:01 a.m. on first day of the following month (Formula A + B - C = D)							
Adult Males				Section A		Adult Males				Section D	
Adult Females						Adult Females					
Juvenile Males						Juvenile Males					
Juvenile Females						Juvenile Females					
Juveniles (Adult Waivers)						Juveniles (Adult Waivers)					
TOTAL						TOTAL					
Section E											
Number from 00:01 a.m. on first day of report month until 00:01 a.m. on first day of following report month:				1. Total jail capacity:							
				a. Total temporary holding cell capacity							
				b. Total permanent jail bed capacity							
Adult Males				Section B		2. Total report month suicides:					
Adult Females						3. Total report month attempted suicides:					
Juvenile Males											
Juvenile Females						4. Has jail/lockup been certified by Department of Corrections to hold juveniles?		<input type="checkbox"/> Yes <input type="checkbox"/> No			
Juveniles (Adult Waivers)											
TOTAL											
Number released from 00:01 a.m. on first day of report month until 00:01 a.m. on first day of following report month:				5. Highest number of prisoners held each day of the month:							
Adult Males				Section C		1.		2.		3.	
Adult Females						6.		7.		8.	
Juvenile Males						11.		12.		13.	
Juvenile Females						16.		17.		18.	
Juveniles (Adult Waivers)						21.		22.		23.	
TOTAL						26.		27.		28.	
						31.					
				Average daily population (Divide combined total of prisoners held in question "5" by number of days in report month:)							
Section F											
Complete for all juveniles released during the report month and only on juveniles held securely at your facility (i.e. in a locked cell, room or other secure method). Juveniles include all persons under the age of 18, regardless if juvenile or adult court had jurisdiction.											
Age	Sex	Race	Admit Date	Admit Time	Release Date	Release Time	Specific Offense	Holding Authority	County/Municipality	Warrant (Y/N)	
Race Codes: W=White/Caucasian, B=Black/African American, NA Native American, H=Hispanic, A=Asian and O=Other Specific Offense can either be Iowa code or name of offense (e.g. 711.3 or Robbery 2nd) Holding Authority: LE = Law Enforcement, AC = Adult/District/Magistrate Court, JC = Juvenile Court, INS, O = Other County/Municipality: Indicate what county/municipality if holding for other than your own.											
Section G											
Complete for all prisoners under control of Sheriff but not in your facility/jail.											
				Number of prisoners during the reporting month.		Prisoner days during reporting month.		Total Prisoner Days for Reporting Month			
Prisoners in other counties											
Prisoners on electronic monitoring or house arrest											
Prisoners in other institutions (Hospital, MHI, etc.)											
Prisoners housed out of state											
Prisoners on other type of release but under Sheriff control											

SECURE JUVENILE DETENTION SURVEY

Information should be provided on secure holds for all youth released during the report period.

[illegible]

A "SECURE JUVENILE DETENTION FACILITY" IS DEFINED AS ANY PUBLIC OR PRIVATE FACILITY WHICH INCLUDES CONSTRUCTION FIXTURES TO PHYSICALLY RESTRICT THE MOVEMENTS AND ACTIVITIES OF JUVENILES OR OTHER INDIVIDUALS HELD IN LAWFUL CUSTODY.

1. Race/Ethnicity

Please use the following codes to identify race or ethnic background of all youth

1: White/Caucasian 2: Black/African American 3: Native American 4: Asian/Pacific Islander 5: Other 6: Hispanic/Latino

2. Bi-Racial

Please use the following codes to indicate if the youth is bi-racial: Y = Yes N = No U = Unknown

3. Specific Offense

Please indicate the most serious offense for which the juvenile was admitted. If the juvenile has a delinquency history and has committed a new delinquent act, please list the single most serious new offense. If the reason for the placement was for other than a specific delinquent act, indicate the offense that lead to the youth's involvement with the court (see 4. Addl. Hold Info).

4. Addl. Hold Info.

Complete only if the immediate reason for placement was other than a specific delinquent act (see 3. Specific Offense).

Please use the following codes:

1: Run from Iowa Court Ordered Placement 2: Run from out-of-state Court Ordered Placement 3: Loss of placement (other than runaways)
4: Probation Violation 5: Failure to Appear for Court Hearing 6: Other

5. Adult Waiver

Please use the following codes to indicate if the juvenile was waived to adult court on any of the offenses for which they were being held at your facility. Y = Yes N = No

6. Cnty Juris.

Indicate the number of the county which authorized the release of the juvenile.

7. Disposition

Indicate one of the following codes for the disposition of the juvenile after they have left your facility:

1: Foster Care (includes group foster care, family foster care, and independent living) 2: Residential Substance Abuse Program
3: State Training School 4: Iowa Juvenile Home 5: Adult Jail or Lockup 6: Different Detention Center 7: Mental Health Facility
8: Home (with services) 9: Home (no services) 10: Other 11: Out of State Disposition 12: Shelter Care 13: Boot Camp

8. Post Disp.

Indicate if the youth was dispositionally placed in your facility in accordance with Iowa Code Section 232.52(2)(g).

9. Days Post Disp.

Indicate the number of days that a youth was held at your facility post dispositionally.

10. Transfer

Indicate whether the youth was a transfer from another In-State Juvenile Detention Center. Please use the following code: Y = Yes N = No.

[illegible]

[illegible]

Tab G

(Jail Certification Form)

IOWA DEPARTMENT OF CORRECTIONS - JUVENILE DETENTION MONITORING REPORT

Facility Name: _____ Date: _____

Administrator: _____ Phone: _____

A. ☐ This facility can adequately separate juvenile prisoners from adult prisoners when both are held in custody by placing only juveniles in cells, (identified in the statement of facts), which are separated from other cells or areas by solid doors and walls or are of sufficient distance to prohibit all but haphazard/incidental conversational and visual contact with adult prisoners or juveniles are under staff supervision. Pursuant to I.C. 356 and IAC 201-50.13, or IAC 201-51.11 this facility is found to be in substantial compliance with the above codes and is therefore certified to hold juveniles waived to the adult court.

B. ☐ This facility is not in compliance with I.C. 356 and IAC 201-50.13 and therefore may not hold juveniles.

Note to what extent separation of juvenile and adult offenders exists in the areas listed below.

	1	2	3	4	5	6 Y or N (Comments)
Intake						
Housing						
Dining						
Recreation						
Education						
Vocation/Work						
Visiting						
Transportation						
Medical/Dental						
Designated Non-secure Hold Area						

Use the following code in describing the extent of separation:

1. Adult prisoners and juveniles can have physical contact with each other (no separation).
2. Adult prisoners and juveniles can see or hear each other (physical separation).
3. Conversation is possible although they cannot see each other (sight separation).
4. Adult prisoners and juveniles can see each other but no conversation is possible (sound separation).
5. Adult prisoners and juveniles cannot see or talk to each other (sight and sound separation).
6. Policy and procedures ensure compliance with the above code sections. (Yes or No) (Comment)

STATEMENT OF FACTS

Delbert G. Longley, Jail Inspector

Tab H

(Training Manual)

Securely Detaining Juveniles in Iowa

Holds for Juveniles in Iowa County Jails and City Lockups

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Juvenile Compliance Monitor

Department of Human Rights

Division of Criminal and Juvenile Justice
Planning



Updated: August 25th, 2008

Course Goals

- ❖ Provide a basic overview of the Juvenile Justice and Delinquency Prevention Act
- ❖ Provide a basic understanding of the Juvenile Justice System
- ❖ Provide and understanding of the situations in which a juvenile can be securely detained in an adult jail or lockup

Definitions of Juvenile Type Offenders

Criminal Type Offenders:

A juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

Status Offender:

A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

Non-Offender:

A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

Quite often in Iowa these juveniles will become CINA cases
(Child **In** Need of **Assistance**)

Types of Status Offenses

- ❖ Truancy
- ❖ Run-Away
- ❖ Curfew Violation
- ❖ Possession of Tobacco
- ❖ Possession of Alcohol
- ❖ Certain Hunting & Fishing Violations
- ❖ Gambling Violations
- ❖ _____

Note: Due to Iowa Code regarding the age of possession of alcohol there are "adult status offenders". This does not change how juvenile status offenders charged with possession of alcohol under the legal age can be handled.

Acronyms

JJDP Act: Juvenile Justice and Delinquency Prevention Act of 1974 (The Act)

OJJDP: Office of Juvenile Justice and Delinquency Prevention (The Office)

CJJP: Division of Criminal and Juvenile Justice Planning

DSO: Deinstitutionalization of Status Offenders

DMC: Disproportionate Minority Confinement

S&S: Sight & Sound Separation (Separation)

MSA: Metropolitan Statistical Area

(Benton, Black Hawk, Bremer, Dallas, Dubuque, Grundy, Guthrie, Harrison, Johnson, Jones, Linn, Madison, Mills, Polk, Pottawattamie, Scott, Story, Warren, Washington, Woodbury)

Juvenile Justice and Delinquency Prevention Act of 1974

(1974, 1977, 1980, 1983, 1986, 1992, 2002)

1974: Deinstitutionalization of Status Offenders
Sight & Sound Separation

1980: Jail Removal

1992: Disproportionate Minority Confinement

2002: Disproportionate Minority Contact

Deinstitutionalization of Status Offenders

Section 223(a)(11)

provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses..., of alien juveniles in custody, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities;

What does this mean...

The JJDP Act requires that juveniles alleged or adjudicated on a status offense, a nonoffender, or a juvenile that is an illegal alien, shall not be detained or confined in any secure facilities.

Do not securely hold juveniles that are only status offenders in your facility

Sight and Sound Separation

Section 223(a)(12)

provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults;

What does this mean...

The JJDP Act requires that juveniles alleged or found to be delinquent shall not be detained or confined in any institution in which they have contact with adult inmates; nor shall they have contact with staff that are security or direct-care for a jail or lockup for adults.

Do not securely detain juveniles if your facility has not been certified by the State Jail Inspector's Office as capable of supplying sight and sound separation

Jail Removal

Section 223(a)(13)

provide that no juveniles shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1997, promulgate regulations which make exceptions with regard to the detention of juveniles accused of non-status offenses who are awaiting an initial court appearance with twenty-four hours after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas that are in compliance with paragraph (13)...;

What does this mean...

The JJDP Act requires that juveniles shall not be detained in any adult jail or lockup, with the following exceptions:

- ❖ Non-MSA counties have 24-hour statutory exception for the processing, identification and transportation of juveniles accused of delinquent acts. The non-MSA 24-hour exception excludes weekends and court holidays.
- ❖ MSA counties have a 6-hour statutory exception for the processing, identification, and transportation of juveniles accused of delinquent acts. The MSA 6-hour exception does not include weekends and court holidays.
- ❖ Juveniles waived to adult court and charged in the adult court with a felony level charge may be held sight and sound separate in an adult jail.

Unless the exceptions and hold requirements have been fulfilled do not securely detain a juvenile in an adult facility

Disproportionate Minority Contact

Section 223(a)(22)

address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population;

What does this mean...

- ❖ Iowa's juvenile minority population is about 10% - 11% of the juvenile population.
- ❖ Minority youth represent about 30% of the youth held in juvenile detention centers and the State Training School for Boys at Eldora.
- ❖ Minority youth represent about 50% of the youth that are sentenced to prison.

Juvenile Court Process

System Flow Decision Points...



Arrest / Taken Into Custody

(Detainment or Release)

Juvenile Court Intake

(Dismissed or Consideration)

Consideration of Petition

(Petition Filed or Informal Adjustment)

Petition Filed

(Consent Decree, Adjudicatory Hearing,
Waiver to Youthful Offender Status,
Waiver to Adult Court)

Adjudicatory Hearing

(Dismissed or Adjudicated)

Dispositional Hearing

(Brief Detention Hold, Restitution,
Probation, MHI, Driver's License
Revoked/Suspended, Group Care, Foster
Care, STS, etc.)

Taking a Juvenile into Custody

Iowa Code 232.19(1)

1. By order of the court.
2. By a peace officer for a delinquent act pursuant to the laws relating to arrest.
3. By a peace officer for the purpose of reuniting a child with a child's family or removing the child to a shelter care facility when the peace officer has reasonable grounds to believe the child has run away from the child's parent, guardian, or custodian.
4. By a peace officer, juvenile court officer, or juvenile parole officer when the officer has reasonable grounds to believe the child has committed a material violation of a dispositional order.

Using Restraints When Taking a Juvenile into Custody

Iowa Code 232.19(2)

1. The child physically resists or threatens physical violence when being taken into custody.
2. The child is being taken into custody for an alleged delinquent act of violence against a person.
3. In the judgment of the officer the child presents a risk of injury to himself or others.
4. The child has a known history of physical violence against others.

Notification and Release Requirements

Iowa Code 232.19(2)

When a child is taken into custody as provided in subsection 1 the person taking the child into custody shall notify the child's parent, guardian, or custodian as soon as possible...

Iowa Code 232.19(2)

... Unless the child is placed in shelter care or detention in accordance with the provisions of section 232.21 or 232.22, the child shall be released to the child's parent, guardian, custodian, responsible adult relative, or other adult approved by the court upon the promise of such person to produce the child in court at such time as the court may direct.

Fingerprinting

Iowa Code 232.148

1. Except as provided in this section, a child shall not be fingerprinted or photographed by a criminal or juvenile justice agency after the child is taken into custody.
2. Fingerprints of a child who has been taken into custody shall be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor. In addition, photographs of a child who has been taken into custody may be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor. The criminal or juvenile justice agency shall forward the fingerprints to the department of public safety for inclusion in the automated fingerprint identification system and may also retain a copy of the fingerprint card for comparison with latent fingerprints and the identification of repeat offenders.

Secure vs. Non-Secure Holds

OJJDP Formula Grants

Consolidated Regulation (28 CFR Part 31)

§ 31.303(d)(1)(i)

... A juvenile offender in a secure custody status is one who is physically detained or confined in a locked room or other area set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody. Secure detention or confinement may result either from being placed in a such a room or area and/or being physically secured to a cuffing rail or other stationary object...

III. Policy: Criteria for Law Enforcement Facilities

The following policy criteria, if satisfied, will constitute nonsecure custody of a juvenile in a building that houses an adult jail or lockup facility:

- 1) The area(s) where the juvenile is held is an unlocked multi-purpose area, such as a lobby, office or interrogation room which is not designated, set aside, or used as a secure detention area or is not part of such an area, or, if a secure area, is used only for processing purposes.
- 2) The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility.
- 3) The use of area(s) is limited to providing nonsecure custody only long enough and for the purposes of identification, investigation, processing, release to parents, or arranging transfer to an appropriate juvenile facility or to court.
- 4) In no event can the area be designated or intended to be used for residential purposes.
- 5) The juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in nonsecure custody.

Secure vs. Non-Secure Holds Continued

Iowa Administrative Code

201 – 50.24 (356,356A) Nonsecure holds

50.24(1) *Minimum physical plant standards for nonsecure hold areas.* The area to be used to detain the juvenile must be an unlocked area such as a lobby, office or other open room. Additionally, the following minimum procedures must be followed:

- a) The juvenile is not physically secure to any stationary object.
- b) The juvenile is under continuous, visual supervision.
- c) The juvenile has access to bathroom facilities.
- d) A meal or meals shall be provided at usual meal times.

What does this mean...

A nonsecure hold of a juvenile is one that requires the juvenile not be cuffed to any type of stationary object, or cuffing rail or ring; the juvenile is not held in a room that is intended for secure detention or even has the possibility of being securely locked (i.e. the juvenile must be able to walk out of the facility without needing a key to pass through a door or someone in a control center to electronically open a door), the area must be intended for non-residential use, the juvenile must be under constant visual surveillance, and the juvenile must be provided with the opportunity to use the restroom and provide meals during the usual meal times.

Do not place a juvenile that is being held nonsecurely in any area in which the juvenile is not able to freely exit the facility due to mechanical restrictions

Note: While a nonsecure hold requires that the juvenile not be restricted from leaving the facility due to mechanical restrictions, it does not mean that the juvenile should be able to freely leave the facility. Staff may stop the juvenile from leaving the facility with their physical presence.

Juvenile & Adult Court Jurisdiction

Determining Jurisdiction

- 1) Arrest / Bench Warrant
- 2) Court Order (Hold order, transfer order, etc.)
- 3) Court Case ID (FECR, AGMS, SRMS, SMMS, JVJV, JVJI)

Note: If you are unable able to determine which court has jurisdiction, then assume the juvenile court.

Juvenile Court Jurisdiction

To securely detain a juvenile under the jurisdiction of the juvenile court all 6 of the following requirements must be met:

Iowa Code 232.22(2)(c)

- 1) The child is age 14 or older.
- 2) There is probable cause to believe that the juvenile has committed a delinquent act which if committed by an adult would be a felony, an aggravated assault, an aggravated sexual assault, 1st or 2nd offenses operating while intoxicated (OWI), or public intoxication (Iowa Code Section 708.2, 709.11, 321J.2 or 123.46).
- 3) The child poses a serious risk to others or the property of others.
- 4) The facility has adequate staff to supervise and monitor the child's activities at all times.
- 5) The adult jail has been certified as able to confine a child in a manner which prohibits communication and contact with detained adults.
- 6) A juvenile detention facility or other suitable place is not available.

Juvenile Court Jurisdiction Continued

Time Restrictions: Pre-Judicial Discretion

Iowa Code 232.44(4)

- 1) Juveniles may not be held for a period in excess of six hours in a MSA.
- 2) A judge or magistrate may authorize detention in a jail or lockup for a period of time in excess of six hours but less than twenty-four, excluding weekends and legal holidays, but only if all of the following occur or exist:
 - a) The geographical area is certified by OJJDP as a non-MSA.
 - b) The court determines that an acceptable alternative placement does not exist pursuant to criteria developed by the Department of Human Services.
 - c) The facility has been certified by the Department of Corrections as being capable of sight and sound separation pursuant to Iowa Code Section 232.22 and 356.3.
 - d) The child is awaiting an initial hearing before the court pursuant to Iowa Code Section 232.44.

<p>Juveniles <u>may not</u> be held in excess of 24-hours in a non-MSA county</p>
--

Time Restrictions: Post-Judicial Discretion

Once there has been judicial discretion secure holds in jails and lockups are prohibited for juveniles under the juvenile court jurisdiction.

Adult Court Jurisdiction

Adult Court Waivers

Discretionary Waiver

Under Iowa Code 232.45 a juvenile can be waived to adult court when there are not reasonable prospects for rehabilitating the child if the juvenile court retains jurisdiction over the child...

Statutory Waiver

Under Iowa Code 232.8(1) violations by a child, age 16 or older, which constitute a forcible felony, or a noted exclusion felony, are statutorily excluded from the jurisdiction of the juvenile court, and shall be prosecuted in the adult court.

Secure Holds

Felony

Under Iowa Code 232.22(4) unnumbered final paragraph juveniles waived to adult court on a felony level charge can be held in adult jails. Iowa Code 356.3 still requires these youth waived to adult court on felonies to be held sight and sound separate from adult criminal offenders.

Misdemeanor

Iowa Code does not allow the holding of juveniles waived to adult court, and alleged or convicted of a misdemeanor charge, in adult jails or lockups.

Time Restrictions

There are no time restrictions on a juvenile waived to the adult court on a felony level charge other than those typically applied to a facility.

Jail – 1 year

Lockup – 24 hours

Adult Court Jurisdiction Continued

Statutory Waiver Hold Requirements

Iowa Code 232.22(6) allows for juveniles age 16 or 17 statutorily waived to adult court for the alleged commission of a forcible felony that run a serious risk or committing an act which would inflict serious bodily harm on another person to be held in the county jail notwithstanding the sight and sound separation provisions set forth in 356.3. However, the code states that whenever possible such juveniles be held sight and sound separate from adult offenders.

Attorney General Office's Opinion (Opinion #97-6-3(L))

Deviation from the requirement of sight and sound separation is permitted only when impracticable or unreasonable in light of concerns with public safety, protection of children, and other competing interests.

Time Restrictions

Juvenile Court

Prior to Initial Appearance/Pre-Judicial Discretion

MSA: 6 hours

Non-MSA: 24 hours

After Initial Appearance/Post-Judicial Discretion

Not Allowed. Juvenile court cannot order holds in adult facilities.

Adult Court

Misdemeanor:

Not Allowed. Adult court cannot order holds for juveniles alleged with or found guilty of misdemeanors.

Felony:

Same time restrictions as adults.

“A child is a person who is going to carry on what you have started. He or she is going to sit where you are sitting and attend to those things that you think are important. You may adopt all the policies you please, but how they will be carried out depends on our young people. They will assume control of your duties, states and nation. They are going to move in and take over your churches, schools, universities and corporations. All your books will be judged, praised or condemned by them. The fate of humanity is in their hands. So it might be well to pay young people attention.”

-- Abraham Lincoln,

16th President of the United States of America

Tab I

(Tables of Organization)

CJJP TABLE OF ORGANIZATION

State of Iowa

Governor
Chester J. Culver

Iowa Department of Human Rights

Director
Walter Reed, Jr.

Division of Criminal and Juvenile Justice Planning

Division Administrator
Paul Stageberg, Ph.D.

CJJP STAFF

Executive Officer

Phyllis Blood

Executive Officer

David Meyers

Program Planner

Amy Croll

Program Planner

Dave Kuker

Program Planner

Steve Michael

Program Planner

Scott Musel

Program Planner

Eric Sage

Justice Systems Analyst

Geneva Adkins

Justice Systems Analyst

Michelle Cook

Justice Systems Analyst

Terry Hudik

Justice Systems Analyst

Lanette Watson

Statistical Research Analyst

Kile Beisner

Information Technology Specialist

Laura Roeder-Grubb

Information Technology Specialist

Tom Moorhead

Information Technology Specialist

Ken Anderson

Information Technology Specialist

David Schmitz

Budget Analyst

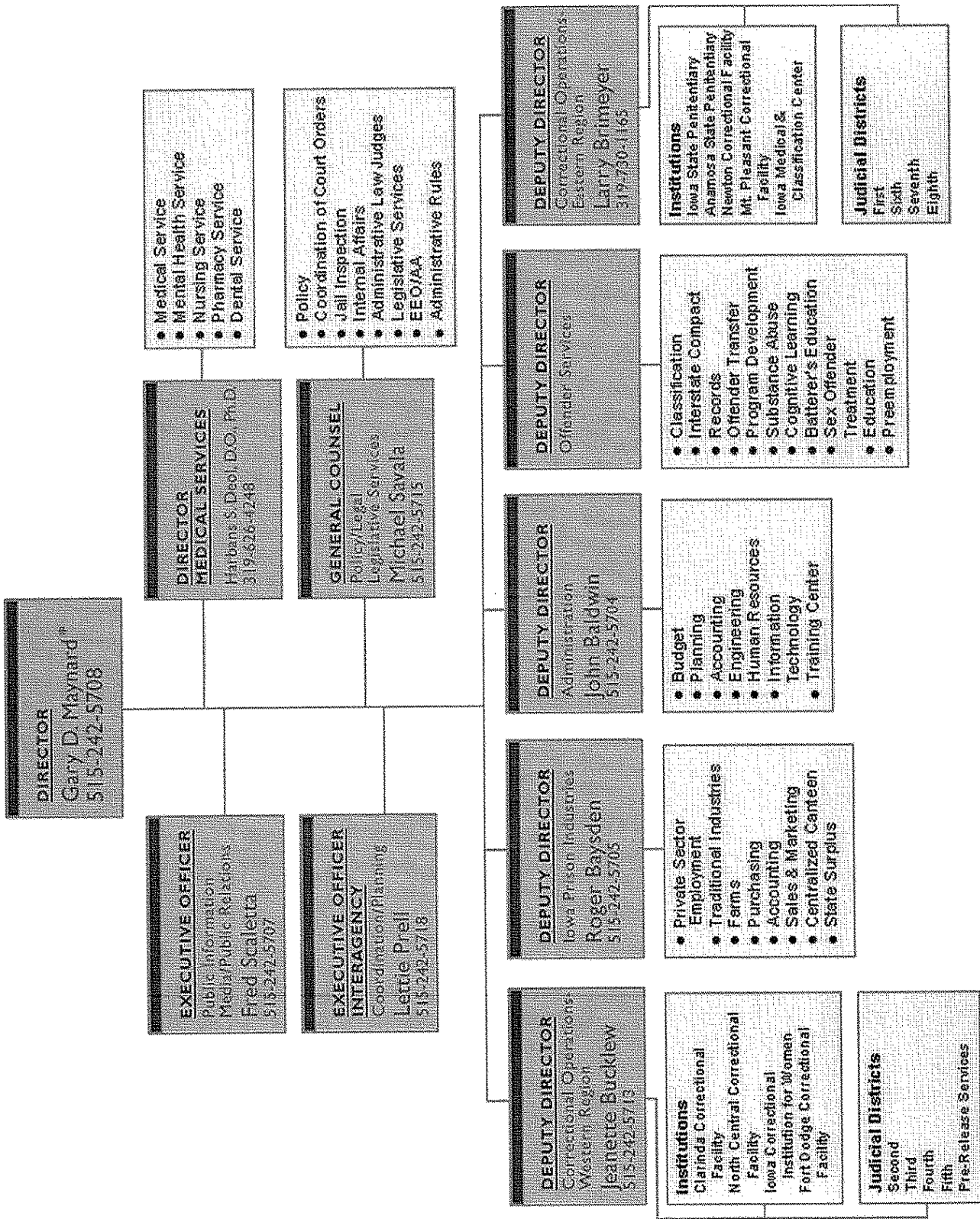
Jeanne Foster

Secretary

Julie Rinker-Lind

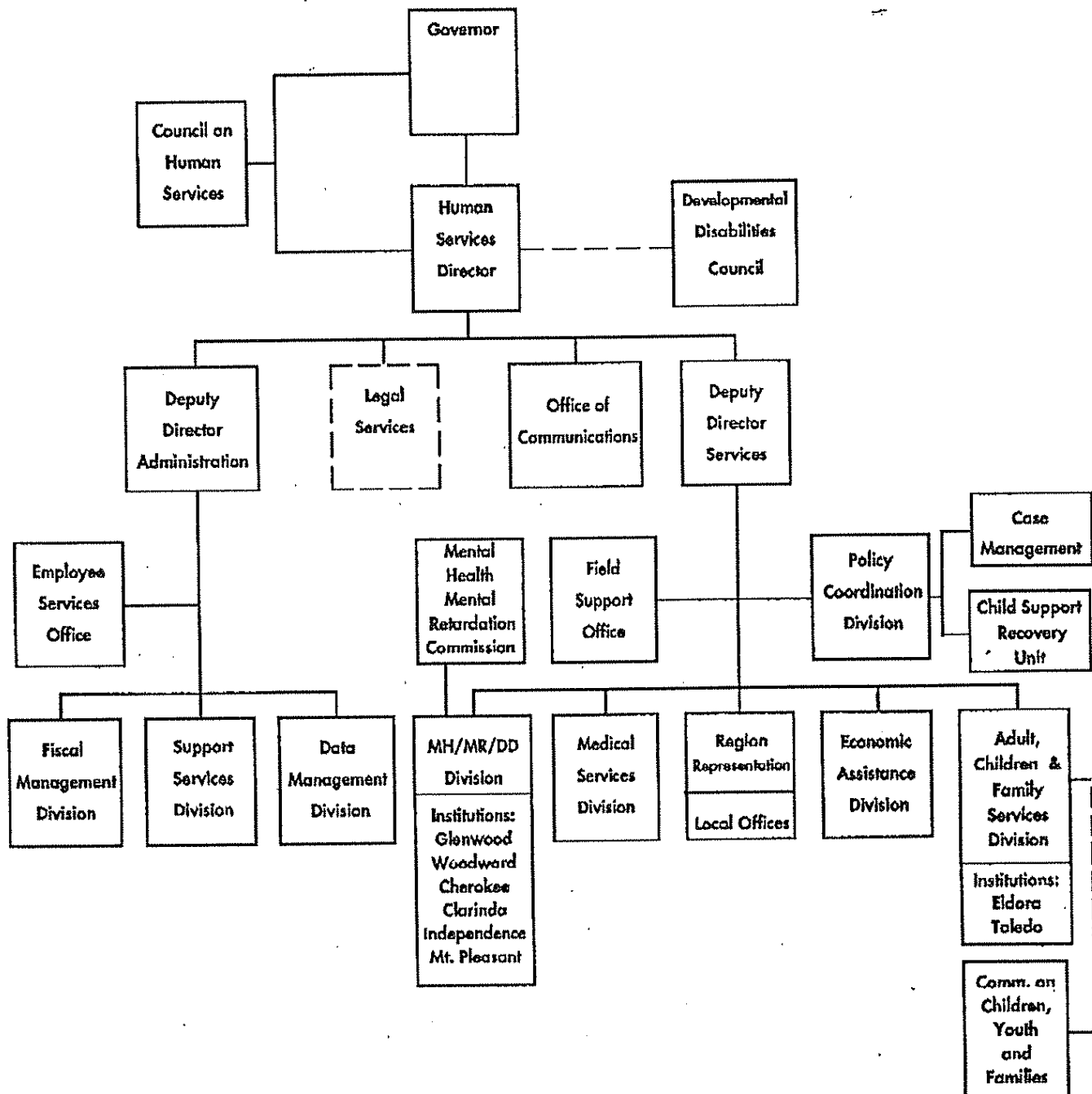
Accounting Technician

Linda Scott



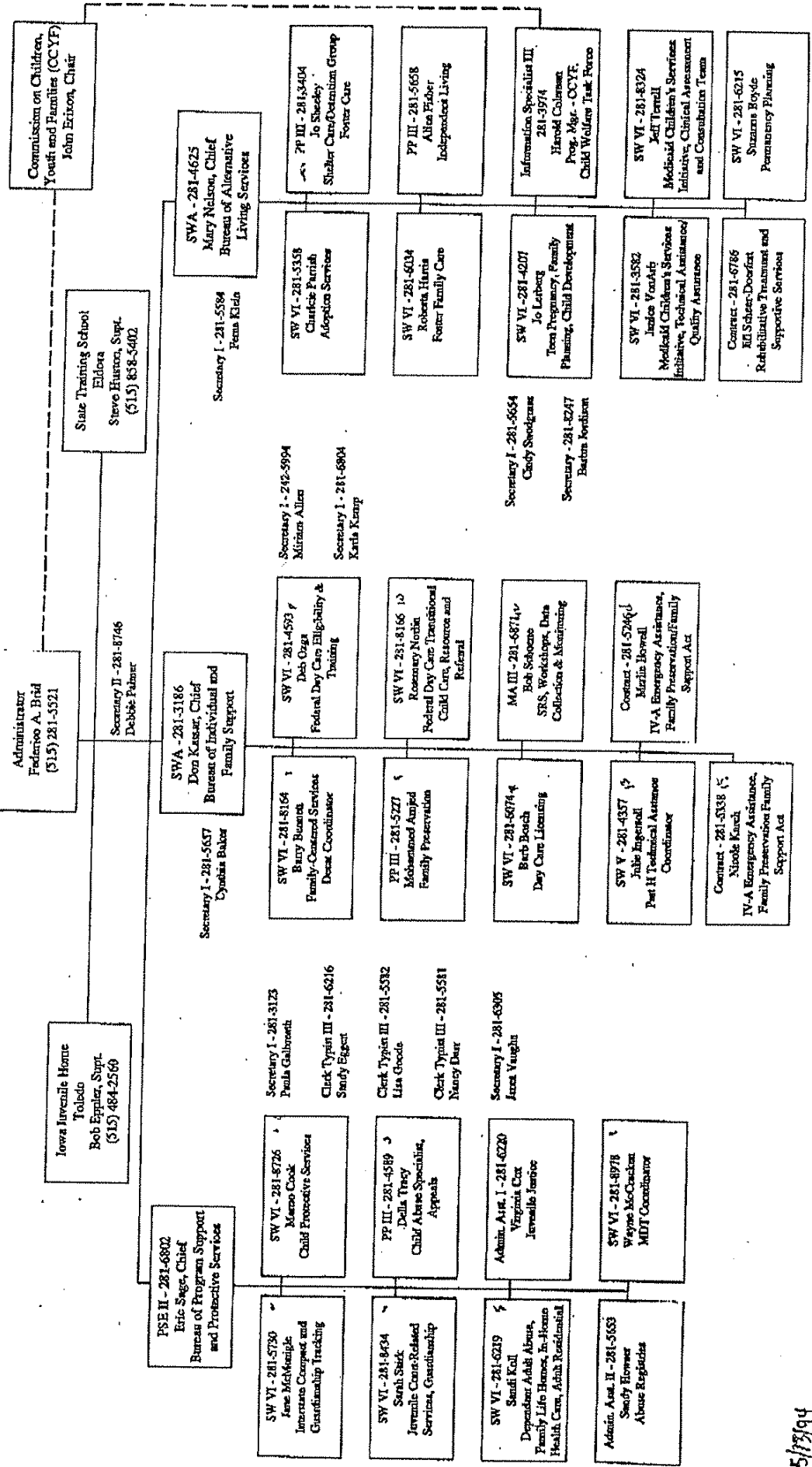
Iowa Department of Human Services

Table of Organization



March 1993

DIVISION OF ADULT, CHILDREN AND FAMILY SERVICES



5/13/94

Tab J

(Monitoring Universe)

Identification of Monitoring Universe

Identification Process

The Department of Corrections – State Jail Inspection Unit performs annual inspections and licensing for all county jails and city lock-ups that maintain cells for the secure detention of persons in that agencies custody. Included in these annual inspections and licensing is a section indicating whether the facility has policy and procedures in place for the secure detainment of juveniles and whether the facility is in compliance with the sight and sound separation requirements for juveniles.

Copies of these licensing reports are forwarded to CJJP on a quarterly basis, and CJJP maintains both a paper and electronic file to determine which licensed jails and lock-ups in the state are certified by the State Jail Inspector to securely detain juveniles in a manner that is in compliance with the mandates of the JJDP Act, and from these files classifies these facilities.

The Department of Inspections and Appeals performs annual inspections for all juvenile serving agencies in the state. From their inspection reports the Department of Human Services (DHS) determines whether these child serving agencies will be licensed to provide residential housing for juveniles. CJJP receives a listing of all child serving agencies license by DHS on an annual basis. CJJP uses this list to classify these child serving agencies.

The classification process includes determining the facility/agency's:

- Facility Name
- Location
- Classification
 - City Police Department
 - County Sheriff's Office
 - Juvenile Detention Facility
 - Mental Health Institute
 - Residential Treatment Facility
 - Shelter
 - State Prison
 - State Training School
 - State University
 - Department of Public Safety
- Public/Private
- Adult/Juvenile
- Monitored (Yes/No)

Facility	Location	Classification	Secure/ Non-Secure	Public/ Private	Adult/ Juvenile	Data Collected	Last Date Visited
Ackley Police Department	Ackley	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/27/2008
Adair Police Department	Adair	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/9/2008
Adel Police Department	Adel	Adult Lock-Up	Secure	Public	Adult	Yes	4/20/2007
Afton Police Department	Afton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/15/2007
Akron Police Department	Akron	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Albia Police Department	Albia	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	9/28/2007
Algona Police Department	Algona	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/6/2008
Alta Police Department	Alta	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Altoona Police Department	Altoona	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	9/21/2007
Ames Police Department	Ames	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/9/2004
Anamosa Police Department	Anamosa	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Andrew Police Department	Andrew	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Anita Police Department	Anita	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/15/2007
Ankeny Police Department	Ankeny	Adult Lock-Up	Secure	Public	Adult	Yes	8/17/2006
Aplington Police Department	Aplington	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/27/2008
Armstrong Police Department	Armstrong	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Arnolds Park Police Department	Arnolds Park	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/6/2008
Asbury Police Department	Asbury	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/13/2008
Atalissa Police Department	Atalissa	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Atlantic Police Department	Atlantic	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/15/2007
Audubon Police Department	Audubon	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/19/2007
Aurelia Police Department	Aurelia	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Avoca Police Department	Avoca	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/16/2007
Badger Police Department	Badger	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Bancroft Police Department	Bancroft	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/9/2008
Baxter Police Department	Baxter	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/16/2007
Bedford Police Department	Bedford	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/15/2007
Belle Plaine Police Department	Belle Plaine	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Bellevue Police Department	Bellevue	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Belmond Police Department	Belmond	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/1/2008
Bettendorf Police Department	Bettendorf	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Blencoe Police Department	Blencoe	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/23/2007
Bloomfield Police Department	Bloomfield	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/21/2007
Blue Grass Police Department	Blue Grass	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Boone Police Department	Boone	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Britt Police Department	Britt	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/9/2008
Buffalo Center Police Department	Buffalo Center	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/9/2008
Buffalo Police Department	Buffalo	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Burlington Police Department	Burlington	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/7/2007
Calmar Police Department	Calmar	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/29/2008
Camanche Police Department	Camanche	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Carlisle Police Department	Carlisle	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	9/21/2007
Carroll Police Department	Carroll	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Carter Lake Police Department	Carter Lake	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/19/2007
Cascade Police Department	Cascade	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/13/2008

Facility	Location	Classification	Secure/ Non-Secure	Public/ Private	Adult/ Juvenile	Data Collected	Last Date Visited
Cedar Falls Police Department	Cedar Falls	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/14/2008
Cedar Rapids Police Department	Cedar Rapids	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Centerville Police Department	Centerville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	9/28/2007
Chariton Police Department	Chariton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	9/21/2007
Charles City Police Department	Charles City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/27/2008
Charter Oak Police Department	Charter Oak	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/2/2008
Cherokee Police Department	Cherokee	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Clarence Police Department	Clarence	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Clarinda Police Department	Clarinda	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/12/2007
Clarion Police Department	Clarion	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/1/2008
Clarksville Police Department	Clarksville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/27/2008
Clear Lake Police Department	Clear Lake	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	9/2/2008
Clermont Police Department	Clermont	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/29/2008
Clinton Police Department	Clinton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/29/2008
Clive Police Department	Clive	Adult Lock-Up	Secure	Public	Adult	Yes	10/4/2007
Colfax Police Department	Colfax	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/16/2007
Columbus Junction Police Department	Columbus Jct.	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/7/2007
Conesville Police Department	Conesville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Coon Rapids Police Department	Coon Rapids	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Coralville Police Department	Coralville	Adult Lock-Up	Secure	Public	Adult	Yes	6/25/2007
Corning Police Department	Corning	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/15/2007
Correctionville Police Department	Correctionville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Corydon Police Department	Corydon	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	9/28/2007
Council Bluffs Police Department	Council Bluffs	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/19/2007
Cresco Police Department	Cresco	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/29/2008
Creston Police Department	Creston	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/15/2007
Dallas Center Police Department	Dallas Center	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/20/2007
Davenport Police Department	Davenport	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Dayton Police Department	Dayton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
De Soto Police Department	De Soto	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/20/2007
De Witt Police Department	De Witt	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Decorah Police Department	Decorah	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/29/2008
Delhi Police Department	Delhi, IA	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/29/2008
Denison Police Department	Denison	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/2/2008
Denver Police Department	Denver	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/7/2008
Des Moines Police Department	Des Moines	Adult Lock-Up	Secure	Public	Adult	Yes	10/19/2007
Dexter Police Department	Dexter	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/20/2007
Donnellson Police Department	Donnellson	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/27/2007
Dows Police Department	Dows	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Dubuque Police Department	Dubuque	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/2/2008
Duncombe Police Department	Duncombe	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Dunkerton Police Department	Dunkerton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/14/2008
Dunlap Police Department	Dunlap	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/23/2007
Durant Police Department	Durant	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Dyersville Police Department	Dyersville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/13/2008

Facility	Location	Classification	Secure/ Non-Secure	Public/ Private	Adult/ Juvenile	Data Collected	Last Date Visited
Dysart Police Department	Dysart	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Eagle Grove Police Department	Eagle Grove	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/1/2008
Earlham Police Department	Earlham	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/6/2007
Early Police Department	Early	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Eddyville Police Department	Eddyville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/21/2007
Eldon Police Department	Eldon	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/21/2007
Eldora Police Department	Eldora	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	3/11/2008
Eldridge Police Department	Eldridge	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Elkader Police Department	Elkader	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/17/2008
Ellsworth/Jewell/Stanhope Police Department	Ellsworth	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/1/2008
Emmetsburg Police Department	Emmetsburg	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/25/2008
Epworth Police Department	Epworth	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Essex Police Department	Essex	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/12/2007
Estherville Police Department	Estherville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/6/2008
Evansdale Police Department	Evansdale	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/14/2008
Exira Police Department	Exira	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/19/2007
Fairbank Police Department	Fairbank	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/27/2008
Fairfield Police Department	Fairfield	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/25/2007
Farley Police Department	Farley	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/13/2008
Farnhamville Police Department	Farnhamville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Fayette Police Department	Fayette	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/29/2008
Fonda Police Department	Fonda	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/25/2008
Fontanelle Police Department	Fontanelle	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/27/2007
Forest City Police Department	Forest City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/9/2008
Fort Madison Police Department	Fort Madison	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/27/2007
Fort Dodge Police Department	Fort Dodge	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Garnavillo Police Department	Garnavillo	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/17/2008
Garner Police Department	Garner	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/9/2008
Gilbertville Police Department	Gilbertville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/14/2008
Gilman Police Department	Gilman	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Gilmore City Police Department	Gilmore City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/25/2008
Glenwood Police Department	Glenwood	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/12/2007
Gowrie Police Department	Gowrie	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Grand Junction Police Department	Grand Junction	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Granger Police Department	Granger	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/27/2007
Greene Police Department	Greene	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/27/2008
Greenfield Police Department	Greenfield	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/27/2007
Grinnell Police Department	Grinnell	Adult Lock-Up	Secure	Public	Adult	Yes	8/31/2006
Griswold Police Department	Griswold	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/15/2007
Grundy Center Police Department	Grundy Center	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	9/12/2008
Guthrie Center Police Department	Guthrie Center	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/19/2007
Guttenberg Police Department	Guttenberg	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/17/2008
Hamburg Police Department	Hamburg	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	9/5/2007
Hampton Police Department	Hampton	Adult Lock-Up	Secure	Public	Adult	Yes	9/2/2008
Harlan Police Department	Harlan	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/19/2007

Facility	Location	Classification	Secure/ Non-Secure	Public/ Private	Adult/ Juvenile	Data Collected	Last Date Visited
Hartley Police Department	Hartley	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/24/2008
Hawarden Police Department	Hawarden	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/4/1983
Hiawatha Police Department	Hiawatha	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Hinton Police Department	Hinton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Hudson Police Department	Hudson	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/14/2008
Humboldt Police Department	Humboldt	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/25/2008
Huxley Police Department	Huxley	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Independence Police Department	Independence	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/27/2008
Indianola Police Department	Indianola	Adult Lock-Up	Secure	Public	Adult	Yes	9/21/2007
Iowa City Police Department	Iowa City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/25/2007
Iowa Falls Police Department	Iowa Falls	Adult Lock-Up	Secure	Public	Adult	Yes	9/2/2008
Janesville Police Department	Janesville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Jefferson Police Department	Jefferson	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Jesup Police Department	Jesup	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Johnston Police Department	Johnston	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/25/2007
Kanawha Police Department	Kanawha	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/9/2008
Kellogg Police Department	Kellogg	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/16/2007
Keokuk Police Department	Keokuk	Adult Lock-Up	Secure	Public	Adult	Yes	7/27/2007
Keota Police Department	Keota	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/7/2007
Kingsley Police Department	Kingsley	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Knoxville Police Department	Knoxville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/21/2007
Lake City Police Department	Lake City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Lake Mills Police Department	Lake Mills	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/9/2008
Lake Park Police Department	Lake Park	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/6/2008
Lake View Police Department	Lake View	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Lamoni Police Department	Lamoni	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/6/2007
Lansing Police Department	Lansing	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/30/2008
LaPorte City Police Department	LaPorte City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/14/2008
Laurel Police Department	Laurel	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Laurens Police Department	Laurens	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/25/2008
LeClaire Police Department	LeClaire	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
LeGrand Police Department	LeGrand	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
LeMars Police Department	LeMars	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Lenox Police Department	Lenox	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/15/2007
Leon Police Department	Leon	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/6/2007
Lisbon Police Department	Lisbon	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Logan Police Department	Logan	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/23/2007
Long Grove Police Department	Long Grove	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Madrid Police Department	Madrid	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Manchester Police Department	Manchester	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/27/2008
Manilla Police Department	Manilla	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Manly Police Department	Manly	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/11/2008
Manning Police Department	Manning	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Manson Police Department	Manson	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Mapleton Police Department	Mapleton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/23/2007

Facility	Location	Classification	Secure/ Non-Secure	Public/ Private	Adult/ Juvenile	Data Collected	Last Date Visited
Maquoketa Police Department	Maquoketa	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Marcus Police Department	Marcus	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Marengo Police Department	Marengo	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/25/2007
Marion Police Department	Marion	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Mar-Mac Police District	Marquette	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/17/2008
Marshalltown Police Department	Marshalltown	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Mason City Police Department	Mason City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/11/2008
McCausland Police Department	McCausland	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Mechanicsville Police Department	Mechanicsville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Melbourne Police Department	Melbourne	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Melcher-Dallas Police Department	Melcher-Dallas	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/21/2007
Merrill Police Department	Merrill	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Mesquaki Nation Police Department	Tama	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Milford Police Department	Milford	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/6/2008
Missouri Valley Police Department	Missouri Valley	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/23/2007
Mitchellville Police Department	Mitchellville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	9/21/2007
Monona Police Department	Monona	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/17/2008
Monroe Police Department	Monroe	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/16/2007
Monticello Police Department	Monticello	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Montrose Police Department	Montrose	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/27/2007
Moulton Police Department	Moulton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	9/28/2007
Mount Vernon Police Department	Mount Vernon	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Moville Police Department	Moville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Mount Pleasant Police Department	Mount Pleasant	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/7/2007
Muscatine Police Department	Muscatine	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Nashua Police Department	Nashua	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/7/2008
Nevada Police Department	Nevada	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
New Albin Police Department	New Albin	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/30/2008
New Hampton Police Department	New Hampton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/7/2008
New London Police Department	New London	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/27/2007
New Sharon Police Department	New Sharon	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/21/2007
New Vienna Police Department	New Vienna	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/13/2008
Newell Police Department	Newell	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Newton Police Department	Newton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/16/2007
Nichols Police Department	Nichols	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Nora Springs Police Department	Nora Springs	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/21/2008
North Liberty Police Department	North Liberty	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/25/2007
Northwood Police Department	Northwood	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/11/2008
Norwalk Police Department	Norwalk	Adult Lock-Up	Secure	Public	Adult	Yes	9/21/2007
Odebolt Police Department	Odebolt	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Oelwein Police Department	Oelwein	Adult Lock-Up	Secure	Public	Adult	Yes	7/29/2008
Ogden Police Department	Ogden	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Okoboji Police Department	Okoboji	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/6/2008
Onawa Police Department	Onawa	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/23/2007
Orange City Police Department	Orange City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/4/2008

Facility	Location	Classification	Secure/ Non-Secure	Public/ Private	Adult/ Juvenile	Data Collected	Last Date Visited
Osage Police Department	Osage	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/21/2008
Osceola Police Department	Osceola	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/6/2007
Oskaloosa Police Department	Oskaloosa	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/21/2007
Otho Police Department	Otho	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Ottumwa Police Department	Ottumwa	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/21/2007
Palo Police Department	Palo	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Panora Police Department	Panora	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/27/2007
Parkersburg Police Department	Parkersburg	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/27/2008
Pella Police Department	Pella	Adult Lock-Up	Secure	Public	Adult	Yes	11/28/2007
Peosta Police Department	Peosta	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/13/2008
Perry Police Department	Perry	Adult Lock-Up	Secure	Public	Adult	Yes	8/17/2006
Pierson Police Department	Pierson	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Pleasant Hill Police Department	Pleasant Hill	Adult Lock-Up	Secure	Public	Adult	Yes	4/20/2007
Pleasantville Police Department	Pleasantville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/21/2007
Pocahontas Police Department	Pocahontas	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/25/2008
Polk City Police Department	Polk City	Adult Lock-Up	Secure	Public	Adult	Yes	4/20/2007
Pomeroy Police Department	Pomeroy	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Postville Police Department	Postville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/27/2008
Prairie City Police Department	Prairie City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/16/2007
Preston Police Department	Preston	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Princeton Police Department	Princeton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Readlyn Police Department	Readlyn	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/7/2008
Red Oak Police Department	Red Oak	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/12/2007
Redfield Police Department	Redfield	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/6/2007
Remsen Police Department	Remsen	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Rhodes Police Department	Rhodes	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Riceville Police Department	Riceville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/27/2008
Robins Police Department	Robins	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Rock Rapids Police Department	Rock Rapids	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/4/2008
Rock Valley Police Department	Rock Valley	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/4/2008
Rockwell City Police Department	Rockwell City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Rockwell Police Department	Rockwell	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Rolfe Police Department	Rolfe	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/25/2008
Russell Police Department	Russell	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	9/28/2007
Sabula Police Department	Sabula	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Sac City Police Department	Sac City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Sanborn Police Department	Sanborn	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/24/2008
Schaller Police Department	Schaller	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Scranton Police Department	Scranton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Sergeant Bluff Police Department	Sergeant Bluff	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Sheffield Police Department	Sheffield	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	3/11/2008
Sheldon Police Department	Sheldon	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/24/2008
Shell Rock Police Department	Shell Rock	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Shellsburg Police Department	Shellsburg	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Shenandoah Police Department	Shenandoah	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/12/2007

Facility	Location	Classification	Secure/ Non-Secure	Public/ Private	Adult/ Juvenile	Data Collected	Last Date Visited
Sidney Police Department	Sidney	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/12/2007
Sigourney Police Department	Sigourney	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/25/2007
Sioux Center Police Department	Sioux Center	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/4/2008
Sioux City Police Department	Sioux City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Sioux Rapids Police Department	Sioux Rapids	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Sloan Police Department	Sloan	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Spencer Police Department	Spencer	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/24/2008
Spirit Lake Police Department	Spirit Lake	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/6/2008
St. Ansgar Police Department	St. Ansgar	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/21/2008
Stacyville Police Department	Stacyville	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
State Center Police Department	State Center	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Storm Lake Police Department	Storm Lake	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Story City Police Department	Story City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Strawberry Point Police Department	Strawberry Point	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	10/17/2008
Stuart Police Department	Stuart	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/16/2007
Sumner Police Department	Sumner	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/7/2008
Superior Police Department	Superior	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/6/2008
Sutherland Police Department	Sutherland	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/24/2008
Swea City Police Department	Swea City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/9/2008
Tabor Police Department	Tabor	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/12/2007
Tama Police Department	Tama	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Tipton Police Department	Tipton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Toledo Police Department	Toledo	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Tripoli Police Department	Tripoli	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Truro Police Department	Truro	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/6/2007
University Heights Police Department	Iowa City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/25/2007
Urbana Police Department	Urbana	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Urbandale Police Department	Urbandale	Adult Lock-Up	Secure	Public	Adult	Yes	10/4/2007
Van Meter Police Department	Van Meter	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/20/2007
Villisca Police Department	Villisca	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/12/2007
Vinton Police Department	Vinton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Walcott Police Department	Walcott	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Wall Lake Police Department	Wall Lake	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Wapello Police Department	Wapello	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/7/2007
Washington Police Department	Washington	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/25/2007
Waterloo Police Department	Waterloo	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/14/2008
Waukee Police Department	Waukee	Adult Lock-Up	Secure	Public	Adult	Yes	4/20/2007
Waukon Police Department	Waukon	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/30/2008
Waverly Police Department	Waverly	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/7/2008
Wayland Police Department	Wayland	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/27/2007
Webster City Police Department	Webster City	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/1/2008
Welton Police Department	Welton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
West Bend Police Department	West Bend	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/25/2008
West Branch Police Department	West Branch	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
West Burlington Police Department	West Burlington	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	8/7/2007

Facility	Location	Classification	Secure/ Non-Secure	Public/ Private	Adult/ Juvenile	Data Collected	Last Date Visited
West Des Moines Police Department	West Des Moines	Adult Lock-Up	Secure	Public	Adult	Yes	10/4/2007
West Liberty Police Department	West Liberty	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
West Point Police Department	West Point	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/27/2007
West Union Police Department	West Union	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	7/29/2008
Whiting Police Department	Whiting	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/23/2007
Williamsburg Police Department	Williamsburg	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/25/2007
Wilton Police Department	Wilton	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	
Windsor Heights Police Department	Windsor Heights	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/25/2007
Winfield Police Department	Winfield	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	11/27/2007
Winterset Police Department	Winterset	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	6/6/2007
Woodbine Police Department	Woodbine	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/23/2007
Woodward Police Department	Woodward	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	4/20/2007
Worthington Police Department	Worthington	Non-Secure Police Department	Non-Secure	Public	Adult	N/A	9/5/2008
Adair County Sheriff's Office	Greenfield	Adult Jail	Secure	Public	Adult	Yes	8/14/2007
Adams County Sheriff's Office	Corning	Adult Jail	Secure	Public	Adult	Yes	8/14/2007
Allamakee County Sheriff's Office	Waukon	Adult Jail	Secure	Public	Adult	Yes	7/29/2008
Appanoose County Sheriff's Office	Centerville	Adult Jail	Secure	Public	Adult	Yes	9/21/2007
Audobon County Sheriff's Office	Audobon	Adult Jail	Secure	Public	Adult	Yes	5/8/2006
Benton County Sheriff's Office	Vinton	Adult Jail	Secure	Public	Adult	Yes	6/20/2006
Black Hawk County Sheriff's Office	Waterloo	Adult Jail	Secure	Public	Adult	Yes	11/14/2008
Boone County Sheriff's Office	Boone	Adult Jail	Secure	Public	Adult	Yes	2/22/2006
Bremer County Sheriff's Office	Waverly	Adult Jail	Secure	Public	Adult	Yes	9/29/2008
Buchanan County Sheriff's Office	Independence	Adult Jail	Secure	Public	Adult	Yes	7/29/2008
Buena Vista County Sheriff's Office	Storm Lake	Adult Jail	Secure	Public	Adult	Yes	7/25/2008
Butler County Sheriff's Office	Allison	Adult Jail	Secure	Public	Adult	Yes	9/12/2008
Calhoun County Sheriff's Office	Rockwell City	Adult Jail	N/A	Public	Adult	No	N/A
Carroll County Sheriff's Office	Carroll	Adult Jail	Secure	Public	Adult	Yes	6/16/2006
Cass County Sheriff's Office	Atlantic	Adult Jail	Secure	Public	Adult	Yes	11/16/2007
Cedar County Sheriff's Office	Tipton	Adult Jail	Secure	Public	Adult	Yes	9/26/2006
Cerro Gordo County Sheriff's Office	Mason City	Adult Jail	Secure	Public	Adult	Yes	5/20/2008
Cherokee County Sheriff's Office	Cherokee	Adult Jail	Secure	Public	Adult	Yes	5/24/2006
Chickasaw County Sheriff's Office	New Hampton	Adult Jail	Secure	Public	Adult	Yes	5/20/2008
Clarke County Sheriff's Office	Osceola	Adult Jail	Secure	Public	Adult	Yes	6/6/2007
Clay County Sheriff's Office	Spencer	Adult Jail	Secure	Public	Adult	Yes	6/24/2008
Clayton County Sheriff's Office	Elkader	Adult Jail	Secure	Public	Adult	Yes	7/30/2008
Clinton County Sheriff's Office	Clinton	Adult Jail	Secure	Public	Adult	Yes	9/25/2006
Crawford County Sheriff's Office	Denison	Adult Jail	Secure	Public	Adult	Yes	7/2/2008
Dallas County Sheriff's Office	Adel	Adult Jail	Secure	Public	Adult	Yes	3/28/2006
Davis County Sheriff's Office	Bloomfield	Adult Jail	Secure	Public	Adult	Yes	9/21/2007
Decatur County Sheriff's Office	Leon	Adult Jail	Secure	Public	Adult	Yes	6/6/2007
Delaware County Sheriff's Office	Manchester	Adult Jail	Secure	Public	Adult	Yes	7/30/2008
Des Moines County Sheriff's Office	Burlington	Adult Jail	Secure	Public	Adult	Yes	8/7/2007
Dickinson County Sheriff's Office	Spirit Lake	Adult Jail	Secure	Public	Adult	Yes	4/29/2008
Dubuque County Sheriff's Office	Dubuque	Adult Jail	Secure	Public	Adult	Yes	9/5/2008
Emmet County Sheriff's Office	Estherville	Adult Jail	Secure	Public	Adult	Yes	4/30/2008

Facility	Location	Classification	Secure/ Non-Secure	Public/ Private	Adult/ Juvenile	Data Collected	Last Date Visited
Fayette County Sheriff's Office	West Union	Adult Jail	Secure	Public	Adult	Yes	8/27/2008
Floyd County Sheriff's Office	Charles City	Adult Jail	Secure	Public	Adult	Yes	5/20/2008
Franklin County Sheriff's Office	Hampton	Adult Jail	N/A	Public	Adult	No	N/A
Fremont County Sheriff's Office	Sidney	Adult Jail	Secure	Public	Adult	Yes	9/5/2007
Greene County Sheriff's Office	Jefferson	Adult Jail	Secure	Public	Adult	Yes	3/28/2006
Grundy County Sheriff's Office	Grundy Center	Adult Jail	Secure	Public	Adult	Yes	9/12/2008
Guthrie County Sheriff's Office	Guthrie Center	Adult Jail	Secure	Public	Adult	Yes	5/8/2006
Hamilton County Sheriff's Office	Webster City	Adult Jail	Secure	Public	Adult	Yes	4/18/2008
Hancock County Sheriff's Office	Garner	Adult Jail	Secure	Public	Adult	Yes	4/18/2008
Hardin County Sheriff's Office	Eldora	Adult Jail	Secure	Public	Adult	Yes	9/12/2008
Harrison County Sheriff's Office	Logan	Adult Jail	Secure	Public	Adult	Yes	4/25/2006
Henry County Sheriff's Office	Mt. Pleasant	Adult Jail	Secure	Public	Adult	Yes	8/7/2007
Howard County Sheriff's Office	Cresco	Adult Jail	Secure	Public	Adult	Yes	5/19/2008
Humboldt County Sheriff's Office	Humboldt	Adult Jail	Secure	Public	Adult	Yes	4/30/2008
Ida County Sheriff's Office	Ida Grove	Adult Jail	Secure	Public	Adult	Yes	5/24/2006
Iowa County Sheriff's Office	Marengo	Adult Jail	Secure	Public	Adult	Yes	6/26/2006
Jackson County Sheriff's Office	Maquoketa	Adult Jail	Secure	Public	Adult	Yes	9/25/2006
Jasper County Sheriff's Office	Newton	Adult Jail	Secure	Public	Adult	Yes	3/28/2007
Jefferson County Sheriff's Office	Fairfield	Adult Jail	Secure	Public	Adult	Yes	11/28/2007
Johnson County Sheriff's Office	Iowa City	Adult Jail	Secure	Public	Adult	Yes	7/11/2006
Jones County Sheriff's Office	Anamosa	Adult Jail	Secure	Public	Adult	Yes	9/25/2006
Keokuk County Sheriff's Office	Sigourney	Adult Jail	Secure	Public	Adult	Yes	6/26/2007
Kossuth County Sheriff's Office	Algona	Adult Jail	Secure	Public	Adult	Yes	4/30/2008
Lee County Sheriff's Office	Montrose	Adult Jail	Secure	Public	Adult	Yes	11/28/2007
Linn County Sheriff's Office	Cedar Rapids	Adult Jail	Secure	Public	Adult	Yes	7/11/2006
Louisa County Sheriff's Office	Wapello	Adult Jail	Secure	Public	Adult	Yes	6/26/2007
Lucas County Sheriff's Office	Chariton	Adult Jail	Secure	Public	Adult	Yes	9/21/2007
Lyon County Sheriff's Office	Rock Rapids	Adult Jail	Secure	Public	Adult	Yes	4/29/2008
Madison County Sheriff's Office	Winterset	Adult Jail	Secure	Public	Adult	Yes	4/11/2007
Mahaska County Sheriff's Office	Oskaloosa	Adult Jail	Secure	Public	Adult	Yes	3/28/2007
Marion County Sheriff's Office	Knoxville	Adult Jail	Secure	Public	Adult	Yes	3/28/2007
Marshall County Sheriff's Office	Marshalltown	Adult Jail	Secure	Public	Adult	Yes	11/17/2006
Mills County Sheriff's Office	Glenwood	Adult Jail	Secure	Public	Adult	Yes	9/5/2007
Mitchell County Sheriff's Office	Osage	Adult Jail	Secure	Public	Adult	Yes	5/19/2008
Monona County Sheriff's Office	Onawa	Adult Jail	Secure	Public	Adult	Yes	5/23/2006
Monroe County Sheriff's Office	Albia	Adult Jail	Secure	Public	Adult	Yes	9/21/2007
Montgomery County Sheriff's Office	Red Oak	Adult Jail	Secure	Public	Adult	Yes	8/14/2007
Muscatine County Sheriff's Office	Muscatine	Adult Jail	Secure	Public	Adult	Yes	9/26/2006
O'Brien County Sheriff's Office	Primghar	Adult Jail	Secure	Public	Adult	Yes	6/24/2008
Osceola County Sheriff's Office	Sibley	Adult Jail	Secure	Public	Adult	Yes	4/29/2008
Page County Sheriff's Office	Clarinda	Adult Jail	Secure	Public	Adult	Yes	8/14/2007
Palo Alto County Sheriff's Office	Emmetsburg	Adult Jail	Secure	Public	Adult	Yes	4/30/2008
Plymouth County Sheriff's Office	LeMars	Adult Jail	Secure	Public	Adult	Yes	5/23/2006
Pocahontas County Sheriff's Office	Pocahontas	Adult Jail	Secure	Public	Adult	Yes	5/16/2006
Polk County Sheriff's Office	Des Moines	Adult Jail	Secure	Public	Adult	Yes	12/17/2008

Facility	Location	Classification	Secure/ Non-Secure	Public/ Private	Adult/ Juvenile	Data Collected	Last Date Visited
Pottawattamie County Sheriff's Office	Council Bluffs	Adult Jail	Secure	Public	Adult	Yes	9/5/2007
Poweshiek County Sheriff's Office	Montezuma	Adult Jail	Secure	Public	Adult	Yes	6/26/2006
Ringgold County Sheriff's Office	Mount Ayr	Adult Jail	Secure	Public	Adult	Yes	4/11/2007
Sac County Sheriff's Office	Sac City	Adult Jail	Secure	Public	Adult	Yes	5/24/2006
Scott County Sheriff's Office	Davenport	Adult Jail	Secure	Public	Adult	Yes	9/26/2006
Shelby County Sheriff's Office	Harlan	Adult Jail	Secure	Public	Adult	Yes	7/2/2008
Sioux County Sheriff's Office	Orange City	Adult Jail	Secure	Public	Adult	Yes	6/24/2008
Story County Sheriff's Office	Nevada	Adult Jail	Secure	Public	Adult	Yes	2/22/2006
Tama County Sheriff's Office	Toledo	Adult Jail	Secure	Public	Adult	Yes	6/20/2006
Taylor County Sheriff's Office	Bedford	Adult Jail	Secure	Public	Adult	Yes	8/14/2007
Union County Sheriff's Office	Creston	Adult Jail	Secure	Public	Adult	Yes	4/11/2007
Van Buren County Sheriff's Office	Keosauqua	Adult Jail	Secure	Public	Adult	Yes	11/28/2007
Wapello County Sheriff's Office	Ottumwa	Adult Jail	Secure	Public	Adult	Yes	11/28/2007
Warren County Sheriff's Office	Indianola	Adult Jail	Secure	Public	Adult	Yes	6/6/2007
Washington County Sheriff's Office	Washington	Adult Jail	Secure	Public	Adult	Yes	6/26/2007
Wayne County Sheriff's Office	Corydon	Adult Jail	Secure	Public	Adult	Yes	9/21/2007
Webster County Sheriff's Office	Fort Dodge	Adult Jail	Secure	Public	Adult	Yes	4/30/2008
Winnebago County Sheriff's Office	Forest City	Adult Jail	Secure	Public	Adult	Yes	5/19/2008
Winneshiek County Sheriff's Office	Decorah	Adult Jail	Secure	Public	Adult	Yes	5/20/2008
Woodbury County Sheriff's Office	Sioux City	Adult Jail	Secure	Public	Adult	Yes	5/23/2006
Worth County Sheriff's Office	Northwood	Adult Jail	Secure	Public	Adult	Yes	5/19/2008
Wright County Sheriff's Office	Clarion	Adult Jail	Secure	Public	Adult	Yes	4/18/2008
Central Iowa Juvenile Detention Center	Eldora	Juvenile Detention Facility	Secure	Public	Juvenile	Yes	9/29/2008
North Iowa Juvenile Detention Center	Waterloo	Juvenile Detention Facility	Secure	Public	Juvenile	Yes	9/29/2008
Northwest Iowa Youth Emergency Services Center	Cherokee	Juvenile Detention Facility	Secure	Public	Juvenile	Yes	10/4/2006
Polk County Youth Services	Des Moines	Juvenile Detention Facility	Secure	Public	Juvenile	Yes	10/23/2008
Scott County Juvenile Detention Center	Davenport	Juvenile Detention Facility	Secure	Public	Juvenile	Yes	9/26/2006
South Iowa Area Juvenile Detention Service Agency - Lee	Montrose	Juvenile Detention Facility	Secure	Public	Juvenile	Yes	11/28/2007
South Iowa Area Juvenile Detention Service Agency - Lucas	Chariton	Juvenile Detention Facility	Secure	Public	Juvenile	Yes	9/28/2007
Southwest Iowa Juvenile Detention Center	Council Bluffs	Juvenile Detention Facility	Secure	Public	Juvenile	Yes	7/2/2008
Woodbury County Juvenile Detention Center	Sioux City	Juvenile Detention Facility	Secure	Public	Juvenile	Yes	10/4/2006
Youth Services of Linn County	Cedar Rapids	Juvenile Detention Facility	Secure	Public	Juvenile	Yes	8/29/2006
Dubuque County Juvenile Detention Center	Dubuque	Co-Located Detention Facility	Secure	Public	Juvenile	Yes	9/5/2008
Mental Health Institute at Cherokee	Cherokee	Mental Health Institute	Secure	Public	Both	Yes	11/20/2007
Mental Health Institute at Clarinda	Clarinda	Mental Health Institute	Secure	Public	Adult	No	N/A
Mental Health Institute at Independence	Independence	Mental Health Institute	Secure	Public	Both	Yes	9/5/2008
Mental Health Institute at Mount Pleasant	Mount Pleasant	Mental Health Institute	Secure	Public	Adult	No	N/A
Eldora State Training School for Boys	Eldora	State Training School	Secure	Public	Juvenile	Yes	9/29/2008
Toledo State School for Girls (Iowa Juvenile Home)	Toledo	State Training School	Non-Secure	Public	Juvenile	No	9/19/2000
Boys and Girls Home and Family Services, Inc.	Sioux City	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
ChildServe	Johnston	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Children and Families of Iowa	Des Moines	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Children's Square, USA	Council Bluffs	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Clarinda Academy	Clarinda	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Family Resources, Inc.	Davenport	Residential Treatment Facility	Secure	Private	Juvenile	Yes	11/6/2007

Facility	Location	Classification	Secure/ Non-Secure	Public/ Private	Adult/ Juvenile	Data Collected	Last Date Visited
Four Oaks, Inc.	Cedar Rapids	Residential Treatment Facility	Secure	Private	Juvenile	Yes	8/26/2008
Francis Lauer Youth Services	Mason City	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
G & G Living Centers	Garnavillo	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Gerard of Iowa	Mason City	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Hillcrest Family Services	Dubuque	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Hope Haven, Inc.	Rock Valley	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Horizons, A Family Service Alliance	Marion	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
House of Mercy	Des Moines	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Jerry Rabiner Memorial Boys Ranch	Fort Dodge	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Lutheran Social Services of Iowa	Des Moines	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Mental Health Institute	Independence	Residential Treatment Facility	Non-Secure	Public	Juvenile	No	N/A
Midwest Christian Children's Home	Peterson	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
New Choices	Iowa City	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Orchard Place	Des Moines	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Quakerdale Home	New Providence	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Ruth Harbor, Inc.	Des Moines	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Systems Unlimited, Inc.	Iowa City	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Tanager Place	Cedar Rapids	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
The Crittenton Center	Sioux City	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Woodward Academy	Woodward	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	11/14/2002
Young House, Inc.	Burlington	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Youth Homes of Mid-America	Johnston	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
Youth Services International -- Forest Ridge Youth Services	Estherville	Residential Treatment Facility	Non-Secure	Private	Juvenile	No	N/A
American Home Finding Assoc.	Agency	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Black Hawk County Youth Shelter	Waterloo	Juvenile Shelter Facility	Non-Secure	Public	Juvenile	No	N/A
Children's Square, USA	Council Bluffs	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Clarinda Academy	Clarinda	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Family Resources, Inc.	Davenport	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Foundation II, Inc.	Cedar Rapids	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Four Oaks - Youth Homes, Inc.	Iowa City	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Four Oaks - Youth Homes, Inc.	Independence	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Francis Lauer Youth Services	Mason City	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Hillcrest Family Services	Dubuque	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Lutheran Social Services of Iowa - Bremwood	Waverly	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Orchard Place - PACE	Des Moines	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Polk County Youth Services	Des Moines	Juvenile Shelter Facility	Non-Secure	Public	Juvenile	No	N/A
Quakerdale Home	Manning & Newton	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Rabiner Treatment Center	Algona	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
South Central Youth and Family Services Commission	Indianola	Juvenile Shelter Facility	Non-Secure	Public	Juvenile	No	N/A
The Crittenton Center	Sioux City	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Youth & Shelter Services, Inc.	Ames	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Youth Emergency Services & Shelter	Des Moines	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Youth Services International -- Forest Ridge Youth Services	Gruver & Estherville	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A
Youth Services of Linn County	Cedar Rapids	Juvenile Shelter Facility	Non-Secure	Public	Juvenile	No	N/A
Youth Shelter Care of North Central Iowa	Fort Dodge	Juvenile Shelter Facility	Non-Secure	Private	Juvenile	No	N/A

Facility	Location	Classification	Secure/ Non-Secure	Public/ Private	Adult/ Juvenile	Data Collected	Last Date Visited
Anamosa State Penitentiary	Anamosa	State Prison	Secure	Public	Adult	No	N/A
Clarinda Correctional Facility	Clarinda	State Prison	Secure	Public	Adult	No	N/A
Fort Dodge Correctional Facility	Fort Dodge	State Prison	Secure	Public	Adult	No	N/A
Iowa Correctional Institution for Women	Mitchellville	State Prison	Secure	Public	Adult	No	N/A
Iowa Medical and Classification Center	Oakdale	State Prison	Secure	Public	Adult	No	N/A
Iowa State Penitentiary	Fort Madison	State Prison	Secure	Public	Adult	No	N/A
Mount Pleasant Correctional Facility	Mt. Pleasant	State Prison	Secure	Public	Adult	No	N/A
Newton Correctional Facility	Newton	State Prison	Secure	Public	Adult	No	N/A
North Central Correctional Facility	Rockwell City	State Prison	Secure	Public	Adult	No	N/A
Iowa State University Department of Public Safety	Ames	State University - Public Safety	Non-Secure	Public	Adult	No	11/17/2008
University of Iowa Department of Public Safety	Iowa City	State University - Public Safety	Non-Secure	Public	Adult	No	11/17/2008
University of Northern Iowa Department of Public Safety	Cedar Falls	State University - Public Safety	Non-Secure	Public	Adult	No	11/17/2008
Iowa State Patrol - District #1	Des Moines	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #2	Osceola	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #3	Council Bluffs	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District # 4	Denison	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #5	Cherokee	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #6	Spencer	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #7	Fort Dodge	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #8	Mason City	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #9	Cedar Falls	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #10	Oelwein	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #11	Cedar Rapids	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #12	Stockton	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #13	Mt. Pleasant	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #14	Ottumwa	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #15	Des Moines	Department of Public Safety	Non-Secure	Public	Adult	No	N/A
Iowa State Patrol - District #16	Des Moines	Department of Public Safety	Non-Secure	Public	Adult	No	N/A

Tab K

(Jail Inspection Results)

Facility	SFY1998	SFY1999	SFY2000	SFY2001	SFY2002	SFY2003	SFY2004	SFY2005	SFY2006	SFY2007	SFY2008	DATE
Adair County	No		No	No	No	No	No	Yes	Yes	Yes	Yes	9/28/2007
Adams County	No		No	No	No	No	Yes	Yes	Yes	No	Yes	12/18/2008
Allamakee County		No	No	No	No	No	No	No	Yes	No	Yes	11/24/2008
Appanoose County	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	6/25/2008
Audobon County	No			No	No	No	No	Yes	Yes	Yes	Yes	8/14/2007
Benton County	Yes		Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	10/29/2007
Black Hawk County	No	Yes		No	No	No	Yes	Yes	Yes	Yes	Yes	4/22/2008
Boone County	N/A	N/A	N/A	N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes	10/11/2007
Bremer County	No	No		No	No	No	Yes	Yes	Yes	Yes	Yes	2/18/2008
Buchanan County	No		Yes		No	No	No	Yes	Yes	Yes	Yes	7/23/2008
Buena Vista County	No	No		Yes	Yes	No	Yes	Yes	Yes	Yes		8/19/2008
Butler County	No	No		No	No	No	Yes	Yes	Yes	Yes	Yes	2/18/2008
Carroll County	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1/22/2009
Cass County	No			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	9/21/2007
Cedar County	No			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	3/6/2008
Cerro Gordo County	No		Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	1/28/2008
Cherokee County	No	No		No	No	No	No	No	Yes	No	No	8/19/2008
Chickasaw County	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	10/18/2007
Clarke County	No			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	4/4/2008
Clay County	No	No		No	No	No	Yes	Yes	Yes	Yes	Yes	5/15/2008
Clayton County	Yes			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	6/6/2008
Clinton County	Yes	Yes		Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	3/5/2008
Crawford County	No		No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	8/20/2007
Dallas County	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	5/12/2008
Davis County	No	No		No	No	No	Yes	Yes	No	No	Yes	6/25/2008
Decatur County	No		No	No	No	No	No	No	No	No	Yes	6/27/2008
Delaware County	No			No	No	No	No	No	No	No	No	4/24/2008
Des Moines County	No	Yes		No	Yes		Yes	Yes	Yes	No	Yes	6/24/2008
Dickinson County	No			No		No	Yes	Yes	No	Yes	Yes	3/14/2008
Dubuque County	No		No	No	No	No	Yes	Yes	Yes	Yes	Yes	3/21/2008
Emmet County	No		Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	12/13/2007
Fayette County	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	10/5/2007
Floyd County	No	No		No	No	No	No	No	No	No	No	11/25/2008
Fremont County		No	No	No	No	No	No	No	No	No	No	12/23/2008
Greene County		Yes	Yes	Yes		Yes	Yes	Yes		Yes	Yes	7/14/2008
Grundy County	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	7/27/2007
Guthrie County	Yes		Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	6/4/2008
Hamilton County	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Yes	Yes	Yes	Yes	7/31/2008
Hancock County	No	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2/14/2008
Hardin County	No		No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	8/18/2008
Harrison County	No			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	11/14/2008

Updated: April 2008

Facility	SFY1998	SFY1999	SFY2000	SFY2001	SFY2002	SFY2003	SFY2004	SFY2005	SFY2006	SFY2007	SFY2008	DATE
Henry County	Yes		No	No	No	No	Yes	Yes	Yes	Yes	Yes	11/3/2008
Howard County	No	No		No	No	No	Yes	No	No	No	Yes	6/6/2008
Humboldt County	No			No	No	No	Yes	Yes	Yes	Yes	Yes	4/28/2008
Ida County	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	7/9/2008
Iowa County	Yes			No		No	No	Yes	Yes	Yes	Yes	7/31/2007
Jackson County	No			No	No	No	Yes	Yes	Yes	Yes	Yes	3/21/2008
Jasper County	No		No	No	No	No	Yes	Yes	Yes	Yes	Yes	11/18/2008
Jefferson County	No		No		No	No	Yes	Yes	Yes	Yes	Yes	1/30/2009
Johnson County	No	No		No	No	No	Yes	No	No	No	No	1/26/2009
Jones County	No		No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	7/24/2007
Keokuk County	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	2/20/2008
Kossuth County	No		No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	4/29/2008
Lee County	Yes	Yes		Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	4/2/2008
Linn County	No			No	No	No	No		No	No	No	12/28/2007
Louisa County	No			No	No	No	Yes	No	Yes	No	Yes	5/30/2008
Lucas County	No		No		No	No	No		No	No	No	7/25/2008
Lyon County	No		No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	9/12/2007
Madison County	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	4/11/2008
Mahaska County	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	10/10/2007
Marion County	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1/28/2009
Marshall County	No	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	4/25/2008
Mills County	No		No	No	No	No	No	No	No	No	No	12/16/2008
Mitchell County	No		No	No	No	No	Yes	Yes	Yes	Yes	Yes	6/5/2008
Monona County	No		No		No	No	Yes	No	No	Yes	Yes	1/28/2008
Monroe County	No			No	No	No	Yes	Yes	Yes	Yes	Yes	6/19/2008
Montgomery County	Yes			Yes	No	No		No	No	Yes	Yes	11/21/2008
Muscatine County	Yes			No	No	Yes	Yes	Yes	Yes	Yes	Yes	7/25/2007
O'Brien County	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1/8/2008
Osceola County	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	7/29/2008
Page County	No			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2/8/2008
Palo Alto County	No			No	No	No	No	Yes	No	Yes	Yes	8/25/2008
Plymouth County	No		No	No	No	No	Yes	Yes	Yes	No	Yes	9/11/2007
Pocahontas County	No	No		No	No	No	No	No	No	No	No	3/28/2008
Polk County	No	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1/17/2008
Pottawattamie County	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	12/15/2008
Poweshiek County	No	No		No	No	No	No	No	No	No	No	4/8/2008
Ringgold County	No		No	No	No	No	No	No	No	No	No	4/18/2008
Sac County	Yes			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	7/8/2008
Scott County	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	11/12/2008
Shelby County	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	5/13/2008
Sioux County	Yes		Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	9/12/2007

Updated: April 2008

Facility	SFY1998	SFY1999	SFY2000	SFY2001	SFY2002	SFY2003	SFY2004	SFY2005	SFY2006	SFY2007	SFY2008	DATE
Story County	Yes			No	No	No	Yes	Yes	Yes	Yes	No	3/26/2008
Tama County	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	5/6/2008
Taylor County	No		No	No	No	No	Yes	No	No	Yes	No	2/28/2008
Union County	Yes	Yes		Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	12/30/2008
Van Buren County	Yes		No		No	No	No		Yes	Yes	Yes	10/8/2007
Wapello County	No	No	No		No	Yes	Yes	Yes	Yes	Yes	Yes	11/26/2008
Warren County	No	No		No	No	No	Yes	No	No	No	No	1/15/2009
Washington County	Yes	Yes		No	No	No	Yes	Yes	Yes	Yes	Yes	1/6/2009
Wayne County	No		No	No	No	No	No	No	Yes	No	Yes	1/16/2009
Webster County	No			No	No	No	Yes	Yes	Yes	Yes	Yes	8/27/2008
Winnebago County	Yes		Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	8/26/2008
Winneshiek County	No		No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	9/27/2007
Woodbury County	No	No		No		No	Yes	Yes	Yes	Yes	No	3/25/2008
Worth County	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	8/26/2008
Wright County	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2/12/2008
Ames Police	Yes		Yes		Yes	Yes	No	Yes	N/A	N/A	N/A	9/23/2004
Ankeny Police		Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	9/25/2007
Clear Lake Police	No		No		No	No	No	No	No	No		10/10/2006
Clive Police	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	12/9/2008
Des Moines Police	No	No		No	No	No	No	No	No	No	No	2/4/2008
Grinnell Police	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	5/22/2008
Hampton Police	No	No	No		No	No	No	No		No	No	8/21/2008
Iowa Falls Police	No	No		No	No	No	No	No	No	No	No	1/3/2008
Oelwein Police	No	No		No	No	No	No	No		No	No	7/22/2008
Pella Police	No	No		No	No	No	No	No	No	No	No	5/7/2008
Perry Police	No		No	No	No	No	No	Yes	Yes	Yes	Yes	7/9/2007
Urbandale Police		No	No	No	No	No	No	No	No	No	Yes	6/9/2008
Webster City Police	No	No			No	No	Yes	N/A	N/A	N/A	N/A	2/12/2004
West Des Moines Police	Yes			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	12/29/2008
	5	57	62	13	4	1	1	3	3	0	2	
JAILS CERTIFIED:	29	20	13	39	39	41	75	75	77	76	81	
JAILS LICENSED:	94	44	44	88	93	96	96	94	96	97	96	
LOCKUPS CERTIFIED:	3	2	1	4	5	5	5	6	5	5	6	
LOCKUPS LICENSES:	12	10	5	10	14	14	14	13	10	12	11	

Tab L

(Juvenile Serving Facilities)

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>A Second Chance</u> Director: Dr. Kesho Y. Scott 646 41st Street Des Moines, IA 50312 Phone: (515) 279-6072	<u>Child Placing Adoption</u>	3/1/08-3/1/2009	N/A	Full	None	Dupey	Polk
<u>Abby's One True Gift Adoptions, Inc.</u> Director: Patricia Gerlitz 755 Frontier Avenue Suite 102 Waukee, IA 50263 Phone: (515) 987-0565	<u>Child Placing Adoption</u>	10/1/07-10/1/2010	N/A	Full	None	Dupey	Polk
<u>About A Child</u> Director: Victoria Kats West Des Moines 729 22nd Street West Des Moines, IA 50265 Phone: (515) 221-0925	<u>Child Placing Adoption</u>	6/1/08-6/1/2011	N/A	Full	None	Dupey	Polk
<u>Adoption Connection, Ltd.</u> Director: LuAnn Barnes Adoption Connection: The Iowa Center for Adoption 114 NW 5th Street, Suite 103 Ankeny, IA 50023 Phone: (515) 965-8029	<u>Child Placing Adoption</u>	9/1/08-5/1/2011	NA	Full	N/A	Dupey	Polk
<u>Adoption International, Inc.</u> Director: Irene Yarigin 1024 59th Street West Des Moines, IA 50266 Phone: (515) 450-1348	<u>Child Placing Adoption</u>	4/1/08-2/1/2009	N/A	Full	N/A	Dupey	Polk

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>American Home Finding Assoc.</u> Director: Tom Lazio <u>Ottumwa</u> 217 East 5th Street P.O. Box 656 Ottumwa, Iowa 52501 Phone: (641) 682-3449	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u>	1/1/07-11/1/2010	N/A	Full	N/A	Dupey	Wapello
<u>Emergency Shelter</u> 6941 Ashland Road Agency, Iowa 52530 Phone: (641) 937-5272	Private Shelter	11/1/08-11/1/2009	15	Full	None	Dupey	Wapello
<u>America World Adoption Association</u> Director: Beth Schoeppner <u>America World - Iowa</u> 7405 University Avenue Suite 1 Des Moines, IA 50325 Phone: (515) 255-3388	<u>Child Placing</u> <u>Adoption</u>	1/1/09-5/1/2011	N/A	Full	None	Dupey	Polk
<u>Avalon Center</u> Director: Leah Weber <u>Mason City</u> 22 North Georgia, Suite 102 Mason City, IA 50401 Phone: (641) 422-0070	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u>	9/1/07-9/1/2010	N/A	Full	None	Dupey	Cerro Gordo
<u>Bethany Christian Services of Northwest Iowa</u> Director: Kimberly Scorza <u>Bethany Christian Services of the Heartland-Orange City</u> 123 Albanay Ave S.E. Orange City, IA 51041 Phone: (712) 737-4831	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u>	11/1/08-1/1/2011	N/A	Full	N/A	Kroeger	Sioux

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>Bethany Christian Services of the Heartland-Mason City</u> 1631 4th Street SW Suite 125A Mason City, IA 50401	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Kroeger	Cerro Gordo
<u>Bethany Christian Services of the Heartland-Council Bluffs</u> 427 East Kaneshville Suite 409 Council Bluffs, IA 51503	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Kroeger	Pottawattamie
<u>Bethany Christian Services of the Heartland-Fort Dodge</u> 826 1st Avenue North Fort Dodge, IA 50501	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Kroeger	Webster
<u>Bethany Christian Services of South Central Iowa</u>							
Director: Marlene Hibma <u>Des Moines</u> 2767 86th Street Urbandale, IA 50322 Phone: (515) 270-0824	<u>Child Placing Adoption</u>	5/1/08-5/1/2011	N/A	Full	N/A	Dupey	Polk
<u>Pella</u> 617 Franklin St. Pella, Iowa 50219	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Dupey	Marion
<u>Cedar Rapids</u> 1660 42nd St. N.E. Cedar Rapids, IA 52402	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Dupey	Linn

Bethany For Children & Families

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Director: William Steinhauser <u>Davenport</u> 1202 West 3rd Street Davenport, Iowa 52801 Phone: (563) 324-9169	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u>	6/1/07-6/1/2010	N/A	Full	N/A	Wilcox	Scott
<u>Clinton</u> 215 6th Avenue South Suite 21 Clinton, IA 52732	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Wilcox	Clinton
<u>Maquoketa</u> 606 South Platt Street #1 Maquoketa, IA 52060	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Wilcox	Jackson
<u>Muscatine</u> 216 Green Street Suite 1 Muscatine, IA 52761 Phone: (563) 262-9401	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u>	6/1/07-6/1/2010	N/A	Full	N/A	Wilcox	Muscatine
<u>Black Hawk County Youth Shelter</u> Director: Amy Landers 1450 West Dunkerton Road Waterloo, Iowa 50703 Phone: (319) 291-2531	Public Shelter	1/1/09-1/1/2010	15	Full	None	Wilcox	Black Hawk
<u>Boys & Girls Home & Family Services, Inc.</u> Director: Robert P. Sheehan <u>Boys and Girls Home Campus</u> <u>Brick</u>	Comprehensive Residential	10/1/08-10/1/2009	18	Full	Control Room	Dupey	Woodbury

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
2101 Court St, 2nd Floor-B Sioux City, Iowa 51104 Phone: (712) 293-4904	(PMIC)						
<u>Boys and Girls Home Campus Crossroads</u> 2101 Court St., 6th Floor-C Sioux City, Iowa 51104 Phone: (712) 293-4858	Comprehensive Residential (PMIC)	10/1/08-10/1/2009	18	Full	Control Room	Dupey	Woodbury
<u>Boys and Girls Home Campus Corbett</u> 2101 Court St., 6th Floor-B Sioux City, Iowa 51104 Phone: (712) 293-4861	Comprehensive Residential (PMIC)	10/1/08-10/1/2009	18	Full	Control Room	Dupey	Woodbury
<u>Boys and Girls Home Campus Ward</u> 2101 Court St, 4th Floor-C Sioux City, Iowa 51104 Phone: (712) 293-4769	Comprehensive Residential (PMIC)	10/1/08-10/1/2009	18	Full	Control Room	Dupey	Woodbury
<u>Boys and Girls Home Campus Sioux City</u> 2101 Court Street Sioux City, IA 51104 Phone: (712) 293-4700	Child Placing Adoption Foster Care	12/1/07-12/1/2010	N/A	Full	None	Dupey	Woodbury
<u>Boys and Girls Home Marshalltown</u> 111 E. Linn Marshalltown, IA 51058 Phone: (641) 752-8389	Child Placing Adoption Foster Care	12/1/07-12/1/2010	N/A	Full	None	Dupey	Marshall
<u>Boys and Girls Home</u>	Child Placing	12/1/07-12/1/2010	N/A	Full	None	Dupey	Palo Alto

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>Graettinger</u> 603 N. Van Gordon Avenue Graetting, IA 51342 Phone: (712) 859-3061	Adoption Foster Care						
<u>Boys and Girls Home Denison</u> 135 North 7th Street Denison, IA 51442 Phone: (712) 263-4880	Child Placing Adoption Foster Care	12/1/07-12/1/2010	N/A	Full	None	Dupey	Crawford
<u>Catholic Charities Diocese of Des Moines</u> Director: Nancy Galeazzi <u>Des Moines</u> 601 Grand Avenue Des Moines, Iowa 50309 Phone: (515) 244-3761	Child Placing Adoption Foster Care	3/1/08-3/1/2011	N/A	Full	N/A	Dupey	Polk
<u>Catholic Charities of the Archdiocese of Dubuque</u> Director: Joe Featherson <u>Dubuque</u> 1229 Mt. Loretta Dubuque, Iowa 52004-1309 Phone: (563) 556-2580	Child Placing Adoption Foster Care	2/1/07-2/1/2010	N/A	Full	N/A	Wilcox	Dubuque
<u>Ames</u> 2210 Lincoln Way Ames, Iowa 50014	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Wilcox	Story
<u>Cedar Rapids</u> 1430 2nd Avenue SE Cedar Rapids, Iowa 52403	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Wilcox	Linn
<u>Mason City</u> 600 1st Street NE Mason City, Iowa 50401	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Wilcox	Cerro Gordo

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>Waterloo</u> 2101 Kimball Avenue Kimball Ridge Center Suite LL-11 Waterloo, Iowa 50702	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Wilcox	Black Hawk
<u>Catholic Charities of the Diocese of Sioux City, Iowa Inc.</u>							
Director: Jerry Eaton <u>Sioux City</u> 1601 Military Road Sioux City, Iowa 51103 Phone: (712) 252-4547	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u>	10/1/07-10/1/2010	N/A	Full	N/A	Kroeger	Woodbury
<u>Carroll</u> 409 1/2 West 7th Street Carroll, Iowa 51401 Phone: (712) 792-9597	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u>	11/1/07-11/1/2010	N/A	Full	N/A	Kroeger	Carroll
<u>Storm Lake</u> 1709 Richland Storm Lake, IA 50588	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	NA	N/A	Kroeger	Buena Vista
<u>Fort Dodge</u> 1321 2nd Avenue South Fort Dodge, Iowa 50501 Phone: (515) 576-4156	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u>	2/1/09-2/1/2012	N/A	Full	N/A	Kroeger	Webster
<u>Algona</u> 715 East North Street Algona, IA 50511	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	NA	N/A	Kroeger	Webster
<u>Central Iowa Juvenile Detention Center</u> Director: Tony Reed 2317 Rick Collins Way	Public Detention	3/29/08-3/1/2009	30	Full	Mechanical Restraints	Dupey	Hardin

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Eldora, Iowa 50627 Phone: (641) 858-3852							
<u>Child Connect</u> Director: Carol Wood Council Bluffs N. 6th & Ave E Council Bluffs, Iowa 51502 Phone: (712) 322-3700	Child Placing Adoption Foster Care	12/1/07-12/1/2010	N/A	Full	N/A	Kroeger	Pottawattamie
<u>Sioux City</u> 705 Douglas Street, Suite 652 Sioux City, Iowa 51101 Phone: (712) 255-9061	Child Placing Adoption Foster Care	1/1/09-1/1/2012	N/A	Full	N/A	Kroeger	Woodbury
<u>Child Saving Institutue</u> Director: Peg Harriet Council Bluffs 300 West Broadway Suite 267 Council Bluffs, IA 51503 Phone: (866) 400-4274	Child Placing Adoption Foster Care	7/1/08-7/1/2009	N/A	Full	N/A	Kroeger	Pottawattamie
<u>Children & Families of Iowa</u> Director: Gloria Gray Des Moines 1111 University Avenue Des Moines, Iowa 50314 Phone: (515) 288-1981	Child Placing Adoption Foster Care	6/1/07-6/1/2010	N/A	Full	N/A	Dupey	Polk
<u>Fort Dodge</u> 111 Avenue O West Fort Dodge, Iowa 50501	Child Placing Adoption Foster Care	6/1/07-6/1/2010	N/A	Full	N/A	Dupey	Webster

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Phone: (515) 573-2193							
<u>Centerville</u> 807 East Maple, PO Box 1024 Centerville, IA 52544 Phone: (641) 856-3852	<u>Child Placing</u> Adoption Foster Care	6/1/06-6/1/2009	N/A	Full	N/A	Dupey	Appanoose
<u>Osceola</u> 115 West McLane P.O. Box 302 Osceola, IA 5213 Phone: (641) 342-3444	<u>Child Placing</u> Adoption Foster care	3/10/08-6/1/2009	N/A	Full	N/A	Dupey	Clarke
<u>Ankeny</u> 501 S.W. Ankeny Road Ankeny, IA 50021 Phone: (515) 289-2272	<u>Child Placing</u> Adoption Foster care	6/1/08-6/1/2011	N/A	Full	N/A	Dupey	Polk
<u>Farrand House</u> 2331 East 8th St. Des Moines, IA 50316 Phone: (515) 266-6338	Comprehensive Residential	7/1/06-7/1/2009	10	Full	None	Dupey	Polk
<u>Ten Eleven Group Home</u> 1011 Park Avenue Des Moines, Iowa 50315 Phone: (515) 244-0839	Comprehensive Residential	6/1/06-6/1/2009	10	Full	None	Dupey	Polk
<u>Cornerstone Recovery</u> 501 S.W. Ankeny Road Ankeny, IA 50021 Phone: (515) 289-2272	Comprehensive Residential (PMIC)	6/1/08-6/1/2009	11	Full	Control Room	Dupey	Polk
<u>Children's Home Society & Family Services</u>							
Director: Richard Gibson <u>Iowa</u>	<u>Child Placing</u>	10/1/08-10/1/2011	N/A	Full	None	Wilcox	Linn

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
210 Second Street Suite 705 Dows Bldg. Cedar Rapids, IA 52401 Phone: (319) 363-4088	Adoption						
<u>ChildServe</u> Director: Dennis Haney <u>Johnston</u> 5406 Merle Hay Road Johnston, IA 50131 Phone: (515) 727-8750	<u>Child Placing</u> Supervised Apartment Living	6/1/06-6/1/2009	N/A	Full	N/A	Dupey	Polk
<u>Christian Home Association-Children's Square USA</u> Director: Carol Wood <u>Children's Emergency Shelter</u> North 6th and Avenue E Council Bluffs, Iowa 51502 Phone: (712) 322-3700	Private Shelter	2/1/08-2/1/2009	22	Full	None	Kroeger	Pottawattamie
<u>Cottonwood Cottage</u> North 6th and Avenue E Council Bluffs, Iowa 51502 Phone: (712) 322-3700	Comprehensive Residential (PMIC)	2/1/08-2/1/2009	12	Full	None	Kroeger	Pottawattamie
<u>Kinney Cottage</u> North 6th and Avenue E Council Bluffs, Iowa 51502 Phone: (712) 322-3700	Comprehensive Residential (PMIC)	2/1/08-2/1/2009	14	Full	None	Kroeger	Pottawattamie
<u>Miller Cottage</u>	Comprehensive	2/1/08-2/1/2009	10	Full	None	Kroeger	Pottawattamie

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
North 6th and Avenue E Council Bluffs, Iowa 51502 Phone: (712) 322-3700	Residential (PMIC)						
Stephan Cottage North 6th and Avenue E Council Bluffs, Iowa 51502 Phone: (712) 322-3700	Comprehensive Residential (PMIC)	2/1/08-2/1/2009	12	Full	None	Kroeger	Pottawattamie
Council Bluffs North 6th Street & Avenue E Council Bluffs, IA 51502 Phone: (712) 322-3700	Child Placing Adoption Foster Care	7/1/08-7/1/2009	N/A	Full	None	Kroeger	Pottawattamie
Sioux City 705 Douglas Street Suite 652 Sioux City, IA 51101 Phone: (712) 255-9061	Child Placing Adoption Foster Care	7/1/08-7/1/2009	N/A	Full	None	Kroeger	Woodbury
<u>Clarinda Youth Corporation</u>							
Director: Cynthia Cox <u>Clarinda Academy</u> SW5 Washington Hall 1820 N. 16th St. Clarinda, Iowa 51632 Phone: (712) 542-3103	Community Residential	5/1/07-5/1/2010	30	Full	None	Kroeger	Page
<u>Clarinda Academy</u> SW6 Jefferson Hall 1820 N. 16th St. Clarinda, Iowa 51632 Phone: (712) 542-3103	Community Residential	5/1/07-5/1/2010	30	Full	None	Kroeger	Page
<u>Clarinda Academy</u> SW7 Jackson Hall 1820 N. 16th St. Clarinda, Iowa 51632	Community Residential	5/1/07-5/1/2010	32	Full	None	Kroeger	Page

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Phone: (712) 542-3103							
<u>Clarinda Academy</u> <u>SW8 Lincoln Hall</u> 1820 N. 16th St. Clarinda, Iowa 51632 Phone: (712) 542-3103	Community Residential	1/1/09-1/1/2012	33	Full	None	Kroeger	Page
<u>Clarinda Academy</u> <u>SW9 Coolidge Hall</u> 1820 N. 16th St. Clarinda, Iowa 51632 Phone: (712) 542-3103	Community Residential	11/1/08-11/1/2011	26	Full	None	Kroeger	Page
<u>Clarinda Academy</u> <u>NE5 Kennedy Hall</u> 1820 N. 16th St. Clarinda, Iowa 51632 Phone: (712) 542-3103	Community Residential	5/1/07-5/1/2010	31	Full	None	Kroeger	Page
<u>Clarinda Academy</u> <u>NE6 Angelou Hall</u> 1820 N. 16th St. Clarinda, Iowa 51632 Phone: (712) 542-3103	Community Residential	11/1/08-11/1/2011	32	Full	None	Kroeger	Page
<u>Clarinda Academy</u> <u>NE9 Parks Hall</u> 1820 N. 16th St. Clarinda, Iowa 51632 Phone: (712) 542-3103	Community Residential	11/1/08-11/1/2011	28	Full	None	Kroeger	Page
<u>Clarinda Academy</u> <u>NE7 Independence Hall</u> 1820 N. 16th St. Clarinda, IA 51632 Phone: (712) 542-3103	Community Residential	9/1/08-9/1/2011	8	Full	None	Kroeger	Page

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Clarinda Academy NE7 Shelter for Boys 1820 N. 16th St. Clarinda, IA 51632 Phone: (712) 542-3103	Private Shelter	9/1/08-5/1/2009	15	Full	None	Kroeger	Page
<u>Coleman, Jill</u> Coleman Counseling Eagle Grove 321 NW 3rd Eagle Grove, IA 50533 Phone: (515) 448-9008	Child Placing Adoption Foster Care	6/1/08-6/1/2011	N/A	Full	N/A	Dupez	Humboldt
Coleman Counseling - Dakota City 202 3rd Street North Dakota City, IA 50529	SATELLITE	SATELLITE	N/A	N/A	N/A	Dupez	Humboldt
Coleman Counseling - Bode 601 Humboldt Avenue Bode, Iowa 50519	SATELLITE	SATELLITE	N/A	N/A	N/A	Dupez	Wright
<u>Counseling & Therapy Associates, LLC</u> Director: Tracy Schulz Waterloo 3120 Kimball Avenue Suites B & C Waterloo, IA 50704 Phone: (319) 236-7701	Child Placing Adoption Foster Care	2/1/07-2/1/2010	N/A	Full	N/A	Wilcox	Black Hawk
<u>Dubuque County Sheriff's Office</u> Director: Kenneth J. Runde Dubuque County Juvenile Detention Center	Public Detention	12/1/08-12/1/2009	6	Full	None	Wilcox	Dubuque

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
855 Central Avenue Dubuque, IA 52004 Phone: (563) 587-3835							
<u>Faithful Charities Foundation</u> Director: Sally Bretl <u>Faithful Adoptions</u> 13545 Wabash Avenue Council Bluffs, IA 51503 Phone: (712) 256-7705	<u>Child Placing</u> <u>Adoption</u>	6/1/06-6/1/2009	N/A	Full	N/A	Kroeger	Pottawattamie
<u>Families First Counseling Services of Iowa, L.L.C.</u> Director: Laone Kishman <u>Waterloo</u> 501 Sycamore St. Suite 738, Black Bldg. Waterloo, IA 50703 Phone: (319) 433-0395	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u>	10/1/08-10/1/2009	N/A	Full	N/A	Wilcox	Black Hawk
<u>Families, Inc.</u> Director: MaryK Townsend <u>West Branch</u> 101 West Main St. West Branch, Iowa 52358 Phone: (319) 643-2532	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u>	12/1/06-12/1/2009	N/A	Full	N/A	Wilcox	Cedar
<u>Family Resources, Inc.</u> Director: Thomas Wilson <u>Davenport</u> 2800 Eastern Avenue Davenport, Iowa 52803 Phone: (563) 326-6431	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u> <u>Supervised Apartment Living</u>	12/1/08-12/1/2010	N/A	Full	N/A	Wilcox	Scott
<u>Muscatine</u> 119 Sycamore, Suite 200	<u>Child Placing</u> <u>Adoption</u>	12/1/08-12/1/2011	N/A	Full	N/A	Wilcox	Muscatine

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Muscatine, Iowa 52761 Phone: (563) 263-0067	Foster Care Supervised Apartment Living						
<u>Newcomb</u> 2800 Eastern Avenue Davenport, IA 52803 Phone: (563) 326-6431	Comprehensive Residential	9/1/08-9/1/2011	16	Full	Control Room	Wilcox	Scott
<u>Victory House</u> 2800 Eastern Avenue Davenport, IA 52803 Phone: (563) 326-6431	Comprehensive Residential	2/16/07-4/1/2009	15	Full	Control Room	Wilcox	Scott
<u>Leslie</u> 2800 Eastern Ave. Davenport, Iowa 52803 Phone: (563) 326-6431	Comprehensive Residential	2/16/07-4/1/2009	16	Full	Control Room & Locked Cottage & Mechanical Restraints	Wilcox	Scott
<u>Anchorage House</u> 2800 Eastern Ave Davenport, Iowa 52803 Phone: (563) 326-6431	Comprehensive Residential	2/16/07-4/1/2009	11	Full	None	Wilcox	Scott
<u>Shelton</u> 2800 Eastern Ave Davenport, Iowa 52803 Phone: (563) 326-6431	Comprehensive Residential	2/16/07-4/1/2009	22	Full	Control Room	Wilcox	Scott
<u>Bridge House</u> 2800 Eastern Avenue Davenport, Iowa 52803 Phone: (563) 326-6431	Comprehensive Residential	3/23/08-3/1/2011	16	Full	Control Room	Wilcox	Scott
<u>S.U.M.M.I.T.</u> 2800 Eastern Ave Davenport, IA 52805 Phone: (563) 326-6431	Comprehensive Residential	7/1/08-4/1/2009	28	Full	Control Room	Wilcox	Scott

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>Sophie's Place</u> 1112 Bridge Avenue Davenport, IA 52803 Phone: (563) 322-1880	Community MR	6/1/07-6/1/2010	4	Full	None	Wilcox	Scott
<u>Kinsman Shelter</u> 2800 Eastern Ave Davenport, Iowa 52803 Phone: (563) 326-6431	Private Shelter	7/1/08-7/1/2009	20	Full	None	Wilcox	Scott
<u>Family Solutions Services, Inc.</u> Director: Nichole Hanks/Denise Driesen							
<u>Orange City</u> 209 1st Street NE Orange City, IA 51041 Phone: (712) 541-0107	<u>Child Placing</u> Adoption Foster Care	11/1/08-11/1/2011	N/A	Full	N/A	Kroeger	Sioux
<u>Sioux City</u> 505 5th Street Suite 510 Sioux City, IA 51101 Phone: (712) 898-1245	<u>Child Placing</u> Adoption Foster Care	11/1/08-11/1/2011	N/A	Full	N/A	Kroeger	Sioux
<u>Father Flanagan's Boys' Home</u> Director: Lisa Batenhorst							
<u>Boys Town of Iowa</u> 1417 W. Broadway Suite 1 Council Bluffs, IA 51501 Phone: (712) 323-4011	<u>Child Placing</u> Adoption Foster Care	5/7/08-9/1/2009	N/A	Full	N/A	Kroeger	Pottawattamie
<u>First Resources Corporation</u> Director: David Wilson							
<u>Sigourney</u> 110 East Washington Street	<u>Child Placing</u> Adoption	6/1/07-6/1/2010	N/A	Full	N/A	Wilcox	Keokuk

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Sigourney, Iowa 52591 Phone: (641) 622-2543	Foster Care Supervised Apartment Living						
<u>Ottumwa</u> 102 N. Hancock Ottumwa, Iowa 52501 Phone: (641) 683-1302	<u>Child Placing</u> Adoption Foster Care Supervised Apartment Living	6/1/07-6/1/2010	N/A	Full	N/A	Wilcox	Wapello
<u>Centerville</u> 310 West Washington, Suite 2 Centerville, Iowa 52544 Phone: (641) 856-5382	<u>Child Placing</u> Adoption Foster Care Supervised Apartment Living	6/1/07-6/1/2010	N/A	Full	N/A	Wilcox	Appanoose
<u>Oskaloosa</u> 120 North Market St. Oskaloosa, IA 52577 Phone: (641) 673-1421	<u>Child Placing</u> Adoption Foster Care Supervised Apartment Living	6/1/07-6/1/2010	N/A	Full	N/A	Wilcox	Mahaska
<u>Knoxville</u> 110 North Roche Knoxville, IA 50138 Phone: (641) 842-7462	<u>Child Placing</u> Adoption Foster Care Supervised Apartment Living	6/1/07-6/1/2010	N/A	Full	N/A	Wilcox	Marion
<u>Florence Crittenton Home of Sioux City, Iowa</u> Interim Director: Marian Burnett <u>Family Development Services</u> 303 W. 24th Street Sioux City, Iowa 51104 Phone: (712) 255-4321	<u>Child Placing</u> Adoption Foster care Supervised Apartment Living	4/1/08-4/1/2011	N/A	Full	N/A	Kroeger	Woodbury
<u>Crittenton Center for Shelter and Youth Development</u> 3901 Green Ave Sioux City, IA 51106	Private Shelter	12/1/08-12/1/2009	27	Full	None	Kroeger	Woodbury

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Phone: (712) 252-8262							
<u>Foundation 2, Inc.</u> Director: Carolyn Cleveland <u>Foundation 2 Youth Shelter</u> 3015 12th Avenue SW Cedar Rapids, Iowa 52404 Phone: (319) 366-8797	Private Shelter	6/1/08-6/1/2009	15	Full	None	Wilcox	Linn
<u>Foundation 2 Supervised Apartment Living</u> 1630 First Avenue N.E. Cedar Rapids, IA 52402 Phone: (319) 368-3376	<u>Child Placing</u> Supervised Apartment Living	6/1/08-6/1/2011	N/A	Full	N/A	Wilcox	Linn
<u>Four Oaks Family and Children's Services</u> Director: James Ernst <u>South Oaks #2</u> 5400 Kirkwood Blvd. SW Cedar Rapids, Iowa 52404 Phone: (319) 364-0259	Comprehensive Residential	6/1/07-6/1/2010	10	Full	Control Room	Wilcox	Linn
<u>South Oaks #3</u> 5400 Kirkwood Blvd. SW Cedar Rapids, Iowa 52404 Phone: (319) 364-0259	Comprehensive Residential	10/1/07-10/1/2010	10	Full	Control Room	Wilcox	Linn
<u>Smith Center-PMIC</u> 5400 Kirkwood Blvd. SW Cedar Rapids, Iowa 52404 Phone: (319) 364-0259	Comprehensive Residential (PMIC)	10/1/08-10/1/2009	20	Full	Control Room	Wilcox	Linn

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>McIntyre Center-PMIC</u> 5400 Kirkwood Blvd. SW Cedar Rapids, IA 52404 Phone: (319) 364-0259	Comprehensive Residential (PMIC)	10/1/08-10/1/2009	16	Full	Control Room	Wilcox	Linn
<u>North Oaks-PMIC</u> 5400 Kirkwood Blvd. SW Cedar Rapids, IA 52404 Phone: (319) 364-0259	Comprehensive Residential (PMIC)	10/1/08-10/1/2009	16	Full	Control Room	Wilcox	Linn
<u>Smith Center-RT</u> 5400 Kirkwood Blvd. SW Cedar Rapids, Iowa 52404 Phone: (319) 364-0259	Comprehensive Residential	10/1/08-10/1/2011	20	Full	Control Room	Wilcox	Linn
<u>Independence Phase Program</u> 2277 Iowa Avenue Renolds Bldg, Wards E & F Independence, IA 50644 Phone: (319) 334-9206	Comprehensive Residential	1/1/08-1/1/2011	43	Full	Control Room	Wilcox	Buchanan
<u>JMRT</u> 818 West 1st Street Monticello, Iowa 52310 Phone: (319) 465-3727	Comprehensive Residential	10/1/07-10/1/2010	25	Full	Control Room	Wilcox	Jones
<u>STOP #1</u> 1341 Bertram Street Bertram, Iowa 52403 Phone: (319) 866-6000	Comprehensive Residential	10/1/08-10/1/2011	13	Full	Control Room	Wilcox	Linn
<u>STOP #2</u> 1341 Bertram Street Bertram, Iowa 52403 Phone: (319) 866-6000	Comprehensive Residential	10/1/08-10/1/2011	13	Full	Control Room & Locked Cottage	Wilcox	Linn
<u>STOP #3</u>	Comprehensive	10/1/08-10/1/2011	12	Full	Control	Wilcox	Linn

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u> Room	<u>Licenser</u>	<u>County</u>
1341 Bertram Street Bertram, Iowa 52403 Phone: (319) 866-6000	Residential						
Cedar Rapids 5400 Kirkwood Blvd. SW Cedar Rapids, Iowa 52404 Phone: (319) 364-0259	Child Placing Adoption Foster Care	10/1/07-10/1/2010	N/A	Full	N/A	Wilcox	Linn
Des Moines 1211 Vine Street Suite 2150 West Des Moines, IA 50265 Phone: (515) 261-3719	Child Placing Adoption Foster Care	7/1/07-7/1/2010	N/A	Full	N/A	Wilcox	Polk
Dubuque 180 West 15th Street Dubuque, IA 52001 Phone: (563) 557-3100	Child Placing Adoption Foster Care	7/1/07-7/1/2010	NA	Full	N/A	Wilcox	Dubuque
Waterloo 402 East 4th Street Waterloo, IA 50703 Phone: (319) 233-5695	Child Placing Adoption Foster Care	7/1/07-7/1/2010	N/A	Full	N/A	Wilcox	Blackhawk
Youth Homes-Iowa City 1916 Waterfront Drive Iowa City, Iowa 52240 Phone: (319) 337-4523	Child Placing Adoption Foster Care	10/1/07-10/1/2010	N/A	Full	N/A	Wilcox	Johnson
Youth Homes - Shelter 1916 Waterfront Drive Iowa City, Iowa 52240 Phone: (319) 337-4523	Private Shelter	10/1/08-10/1/2009	14	Full	None	Wilcox	Johnson
Independence Youth Shelter 2277 Iowa Avenue	Private Shelter	8/1/08-8/1/2009	21	Full	None	Wilcox	Buchanan

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Reynold Bldg., Ward D Independence, IA 50644 Phone: (319) 334-9206							
<u>Mason City</u> 980 South Iowa Avenue Mason City, IA 50401 Phone: (641) 423-3222	Child Placing Adoption Foster Care	12/1/07-12/1/2010	N/A	Full	None	Wilcox	Cerro Gordo
<u>Windsor Unit</u> 980 South Iowa Avenue Mason City, IA 50401 Phone: (641) 423-3222	Comprehensive Residential (PMIC)	12/1/08-12/1/2009	11	Full	None	Wilcox	Cerro Gordo
<u>Endres Unit</u> 980 South Iowa Avenue Mason City, IA 50401 Phone: (641) 423-3222	Comprehensive Residential (PMIC)	12/1/08-12/1/2009	11	Full	None	Wilcox	Cerro Gordo
<u>Main Building</u> 980 South Iowa Avenue Mason City, IA 50401 Phone: (641) 423-3222	Comprehensive Residential (PMIC)	12/1/08-12/1/2009	24	Full	None	Wilcox	Cerro Gordo
<u>Pembroke Unit</u> 980 South Iowa Avenue Mason City, IA 50401 Phone: (641) 423-3222	Comprehensive Residential	12/1/08-12/1/2011	2	Full	None	Wilcox	Cerro Gordo
<u>Francis Lauer Youth Services, Inc.</u> Director: Jean McAleer <u>Francis Lauer Youth Shelter</u> 50 N. Eisenhower Mason City, Iowa 50401 Phone: (641) 423-7362	Private Shelter	1/1/09-1/1/2010	16	Full	None	Dupey	Cerro Gordo

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Mason City 50 North Eisenhower Mason City, IA 50401 Phone: (641) 423-7362	Child Placing	1/1/09-1/1/2010	N/A	Full	None	Dupey	Cerro Gordo
<u>Gilbert, Betty</u> Director: Betty Gilbert <u>Betty Gilbert</u> 505 5th Street, Suite 520 Frances Bldg. Sioux City, IA 51101 Phone: (712) 224-2890	Child Placing Adoption Foster Care	6/1/06-6/1/2009	N/A	Full	None	Kroeger	Woodbury
<u>Hillcrest Family Services</u> Director: Robert McColley <u>Dubuque</u> 2005 Asbury Road Dubuque, IA 52001 Phone: (563) 583-7357	Child Placing Adoption Foster Care Supervised Apartment Living	12/1/07-12/1/2010	N/A	Full	None	Wilcox	Dubuque
<u>Maquoketa</u> 117 S. Olive Maquoketa, IA 52060 Phone: (563) 652-4958	Child Placing Adoption Foster Care Supervised Apartment Living	12/1/07-12/1/2010	N/A	Full	None	Wilcox	Jackson
<u>Cedar Rapids</u> 4080 1st Avenue N.E. Cedar Rapids, Iowa 52402 Phone: (319) 362-3149	Child Placing Adoption Foster Care Supervised Apartment Living	12/1/07-12/1/2010	N/A	Full	None	Wilcox	Linn
<u>Hillcrest Emergency Youth Shelter</u> 13066 Seippel Road Dubuque, Iowa 52002 Phone: (563) 588-0688	Private Shelter	10/1/08-10/1/2009	23	Full	None	Wilcox	Dubuque

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<u>Peterson Lodge</u> 2485 Wilbricht Lane Dubuque, Iowa 52001 Phone: (563) 557-8211	Comprehensive Residential	10/17/08-10/1/2011	16	Full	Control Room	Wilcox	Dubuque
<u>Molitore House</u> 2445 Hillcrest Road Dubuque, Iowa 52001 Phone: (563) 557-4388	Comprehensive Residential (PMIC)	12/1/08-12/1/2009	12	Full	Control Room	Wilcox	Dubuque
<u>New Hope</u> 2435 Hillcrest Road Dubuque, Iowa 52001 Phone: (563) 557-4386	Comprehensive Residential	12/1/07-12/1/2010	12	Full	Control Room	Wilcox	Dubuque
<u>New Pathways</u> 2489 Hillcrest Road Dubuque, Iowa 52001 Phone: (563) 557-7222	Comprehensive Residential	12/1/07-12/1/2010	12	Full	Control Room	Wilcox	Dubuque
<u>Pathways</u> 2465 Hillcrest Road Dubuque, Iowa 52001 Phone: (563) 557-4418	Comprehensive Residential	12/1/07-12/1/2010	12	Full	Control Room	Wilcox	Dubuque
<u>Holt International Children's Services, Inc.</u> Director: Cathryn L. Kroeze							
<u>Le Grand</u> 103 West Main Street P.O. Box 488 Le Grand, IA 50142 Phone: (641) 479-2054	<u>Child Placing</u> Adoption Foster Care	6/1/08-6/1/2011	N/A	Full	N/A	Kroeger	Marshall
<u>Hope Haven, Inc.</u> Director: David Van Ningen Rock Valley	<u>Child Placing</u>	7/1/08-7/1/2011	N/A	Full	N/A	Kroeger	Sioux

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1800 19th Street Rock Valley, Iowa 51247 Phone: (712) 476-2737	Foster Care						
Spencer 1812 West 24th St. Suite 101 Spencer, IA 51301 Phone: (712) 262-4157	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Kroeger	Clay
Niessink Home South 3274 Fig Avenue Rock Valley, Iowa 51247 Phone: (712) 476-2162	Comprehensive MR	7/1/08-7/1/2011	4	Full	Control Room	Kroeger	Sioux
Niessink Home East 3274 Fig Avenue Rock Valley, Iowa 51247 Phone: (712) 476-2162	Comprehensive MR	7/1/08-7/1/2009	4	Full	Control Room	Kroeger	Sioux
Orange City Children's Home 420 5th Street SW Orange City, IA 51041 Phone: (712) 476-2737	Community MR	7/1/08-7/1/2011	4	Full	None	Kroeger	Sioux
<u>Horizons, A Family Service Alliance</u>							
Director: Scott Jamieson Cedar Rapids 819 5th Street SE Cedar Rapids, Iowa 52406 Phone: (319) 398-3943	<u>Child Placing</u> Supervised Apartment Living	6/1/08-6/1/2009	N/A	Full	N/A	Wilcox	Linn
Marshalltown 204 East State St. Marshalltown, IA 50158	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Wilcox	Marshall
Dubuque	<u>Child Placing</u>	6/1/08-6/1/2009	N/A	Full	N/A	Wilcox	Dubuque

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
1824 Central Avenue Dubuque, Iowa 52001 Phone: (563) 588-2227	Supervised Apartment Living						
<u>Anita Daniels Program</u> 4000 Highway 151 Marion, IA 52302 Phone: (319) 377-6938	Comprehensive Residential	8/1/08-8/1/2011	30	Full	None	Wilcox	Linn
<u>House of Mercy</u> Director: Todd Beveridge <u>In Touch With Teens</u> 1409 Clark Street Des Moines, Iowa 50314 Phone: (515) 643-6518	Comprehensive Residential	7/1/07-7/1/2010	28	Full	None	Dupey	Polk
<u>Integrative Health Services, Inc.</u> Director: Paula Welsh <u>Williamsburg</u> 509 Court Street Williamsburg, IA 52361 Phone: (319) 668-2050	<u>Child Placing</u> Adoption Foster Care	11/1/06-11/1/2009	N/A	Full	N/A	Wilcox	Iowa
<u>LDS Family Services</u> Director: Mark Hales 3301 Ashworth Road PO Box 65713 West Des Moines, Iowa 50265 Phone: (515) 226-0484	<u>Child Placing</u> Adoption Foster Care	6/1/06-/1/2009	N/A	Full	N/A	Dupey	Polk
<u>Lifelink/Bensenville Home Society</u> Director: Pat Radley Supervisor: Linda Halverson <u>Lifelink International Adoption</u> 3420 Jersey Ridge Road Davenport, IA 52807	<u>Child Placing</u> Adoption	6/1/08-6/1/2011	N/A	Full	N/A	Wilcox	Scott

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Phone: (563) 441-0165							
<u>Linn County Community Services</u>							
Director: Jeff Lindeman <u>Youth Services of Linn County- Shelter Care</u> 800 Walford Road SW Cedar Rapids, Iowa 52405 Phone: (319) 892-5735	Public Shelter (Temporary Location)	12/1/08-12/1/2009	7	Full	None	Wilcox	Linn
<u>Juvenile Detention Center</u> 800 Walford Road S.W. Cedar Rapids, IA 52404 Phone: (319) 892-5735	Public Detention	2/1/09-2/1/2010	35	Full	Control Room	Wilcox	Linn
<u>Lutheran Family Service</u>							
Director: Eric Schillo <u>Fort Dodge</u> 230 9th Avenue North Fort Dodge, Iowa 50501 Phone: (515) 573-3138	<u>Child Placing</u> Adoption Foster Care	2/1/08-2/1/2011	N/A	Full	N/A	Dupey	Webster
<u>Cedar Rapids</u> 4403 1st Avenue S.E. Suite 311 Cedar Rapids, IA 52403	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Dupey	Linn
<u>Des Moines</u> 7177 Hickman Road Suite 2 Des Moines, IA 50322	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Dupey	Polk
<u>Sioux City</u> 5400 Morningside Avenue Sioux City, IA 51106	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Dupey	Woodbury
<u>Schleswig</u> 601 Date Street	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Dupey	Crawford

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Schleswig, IA 51461							
<u>Lutheran Family Services of Nebraska, Inc.</u>							
Director: Ruth Henrichs <u>Council Bluffs</u> 300 West Broadway Suite 7 Council Bluffs, IA 51503 Phone: (712) 242-1040	<u>Child Placing Adoption</u>	11/1/08-11/1/2009	N/A	Full	N/A	Kroeger	Pottawattie
<u>Lutheran Services in Iowa, Inc.</u>							
Director: Michael Buck <u>Bremwood - Trinity Cottage</u> 106 16th St. SW Centennial Hall, 1st Floor Waverly, IA 50677 Phone: (319) 859-3509	Comprehensive Residential	2/1/08-2/1/2011	18	Full	Control Room	Kroeger	Bremer
<u>Bremwood - Hartman Cottage</u> 106 16th St. SW Hartman House Waverly, IA 50677 Phone: (319) 859-3503	Comprehensive Residential	2/1/08-2/1/2011	7	Full	Control Room	Kroeger	Bremer
<u>Bremwood - CUNA Cottage</u> 106-16th Street SW Cuna Mutual Cottage, 2nd Floor Waverly, Iowa 50677 Phone: (319) 859-3501	Comprehensive Residential	2/1/08-2/1/2011	10	Full	Control Room	Kroeger	Bremer
<u>Bremwood - Banker Cottage</u> 106-16th Street SW Banker Bldg, 2nd Floor-West Waverly, Iowa 50677 Phone: 319-859-3500	Comprehensive Residential	8/1/08-2/1/2011	10	Full	Control Room	Kroeger	Bremer
<u>Bremwood - North Cottage</u>	Comprehensive	2/1/08-2/1/2011	10	Full	Control	Kroeger	Bremer

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106-16th Street SW Centennial Hall, 2nd Floor-North Waverly, Iowa 50677 Phone: (319) 859-3507	Residential				Room		
<u>Bremwood - South Cottage</u> 106-16th Street SW Centennial Hall, 2nd Floor-South Waverly, Iowa 50677 Phone: (319) 859-3508	Comprehensive Residential	2/6/09-8/6/2009	10	Full	Control Room	Kroeger	Bremer
<u>Bremwood - Jacobson Cottage</u> 106-16th Street SW Waverly Bldg, 1st Floor Waverly, Iowa 50677 Phone: (319) 859-3504	Comprehensive Residential	11/1/08-11/1/2009	12	Full	Control Room	Kroeger	Bremer
<u>Bremwood - Waverly Cottage</u> 106-16th Street SW Waverly Bldg, 2nd Floor Waverly, Iowa 50677 Phone: (319) 859-3511	Comprehensive Residential	11/1/08-11/1/2009	16	Full	Control Room	Kroeger	Bremer
<u>Burnett House</u> 1019 Arizona Ames, IA 50010 Phone: (515) 233-2114	Community-MR	4/1/07-4/1/2010	4	Full	None	Kroeger	Story
<u>Bremwood - Woodhaven Shelter</u> 106 16 St. SW Thompson Center-Lower Level Waverly, IA 50677 Phone: (319) 859-3512	Private Shelter	7/1/08-2/1/2009	9	Full	None	Kroeger	Bremer
<u>Beloit-Hunziker Unit</u> 1323 Northwestern	Comprehensive Residential	7/1/07-7/1/2010	12	Full	Control Room	Kroeger	Story

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Anna J. Hall Treatment Ctr SW Ames, IA 50010 Phone: (515) 817-0904							
<u>Beloit-Hope Unit</u> 1323 Northwestern Anna J. Hall Treatment Ctr NW Ames, IA 50010 Phone: (515) 817-0903	Comprehensive Residential	7/1/07-7/1/2010	12	Full	Control Room	Kroeger	Story
<u>Bremwood-Phoenix Cottage</u> 106 16th St. SW Banker Bldg., 1st Floor Waverly, IA 50677 Phone: (319) 859-3506	Comprehensive Residential (PMIC)	7/1/08-7/1/2009	12	Full	Control Room	Kroeger	Bremer
<u>Beloit-Faith Unit</u> 1323 Northwestern Anna J. Hall Treatment Ctr NE Ames, IA 50010 Phone: (515) 817-0901	Comprehensive Residential (PMIC)	7/1/08-7/1/2009	12	Full	Control Room	Kroeger	Story
<u>Beloit-Unity Unit</u> 1323 Northwestern Anna J. Hall Treatment Ctr SE Ames, IA 50010 Phone: (515) 817-0907	Comprehensive Residential (PMIC)	7/1/08-7/1/2009	12	Full	Control Room	Kroeger	Story
<u>Beloit-Journey Unit</u> 1323 Northwestern Odland Bldg., South Ames, IA 50010 Phone: (515) 817-0905	Comprehensive Residential (PMIC)	7/1/08-7/1/2009	6	Full	Control Room	Kroeger	Story
<u>Waverly</u> 106-16th Street SW Waverly, Iowa 50677 Phone: (319) 352-2630	<u>Child Placing</u> Adoption Foster Care Supervised Apartment Living	4/1/08-4/1/2010	N/A	Full	N/A	Kroeger	Bremer

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>Ames</u> 1323 Northwestern Ames, Iowa 50010 Phone: (515) 232-7262	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u> <u>Supervised Apartment Living</u>	11/1/06-11/1/2009	N/A	Full	N/A	Kroeger	Story
<u>Clinton</u> 315 5th Avenue S Clinton, Iowa 52732 Phone: (563) 243-8200	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u> <u>Supervised Apartment Living</u>	7/1/08-12/1/2010	N/A	Full	N/A	Kroeger	Clinton
<u>Davenport</u> 111 West 15th Street Davenport, Iowa 52803 Phone: (563) 322-7419	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u> <u>Supervised Apartment Living</u>	12/1/07-12/1/2010	N/A	Full	N/A	Kroeger	Scott
<u>Denison</u> 205 South 7th Street Denison, Iowa 51442 Phone: (712) 263-9341	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u> <u>Supervised Apartment Living</u>	5/1/08-5/1/2011	N/A	Full	N/A	Kroeger	Crawford
<u>Cottage Grove</u> 3125 Cottage Grove Des Moines, Iowa 50311 Phone: (515) 271-4946	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u> <u>Supervised Apartment Living</u>	12/1/06-12/1/2009	N/A	Full	N/A	Kroeger	Polk
<u>Dubuque</u> 2255 JFK Road Dubuque, Iowa 52002 Phone: (563) 582-0044	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u> <u>Supervised Apartment Living</u>	12/1/07-12/1/2010	N/A	Full	N/A	Kroeger	Dubuque
<u>Manchester</u> 124 E. Fayette Street Manchester, IA 52057 Phone: (563) 927-3281	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Kroeger	Delaware
<u>Muscatine</u> 315 Iowa Avenue, Suite C	<u>Child Placing</u> <u>Adoption</u>	12/1/07-12/1/2010	N/A	Full	N/A	Kroeger	Muscatine

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Muscatine, Iowa 52761 Phone: (563) 263-5170	Foster Care Supervised Apartment Living						
<u>Waterloo</u> 925 East 4th Street Waterloo, Iowa 50703 Phone: (319) 233-3579	<u>Child Placing</u> Adoption Foster Care Supervised Apartment Living	2/28/08-7/1/2010	N/A	Full	N/A	Kroeger	Black Hawk
<u>Charles City</u> Messiah Lutheran Church 703 3rd Street Charles City, IA 50616	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	N/A	Kroeger	Floyd
<u>Decorah</u> 911 S. Mills Street Suite 2 Decorah, IA 52101	<u>Child Placing</u> Adoption Foster Care Supervised Apartment Living	12/1/08-12/1/2011	N/A	Full	N/A	Kroeger	Winneshiek
<u>McElroy, Teresa P.</u> Director: Teresa McElroy <u>4 R Kids</u> 3632 Pierce St. Sioux City, IA 51104 Phone: (712) 258-8033	<u>Child Placing</u> Adoption Foster Care	4/1/06-4/1/2009	N/A	Full	None	Kroeger	Woodbury
<u>Mental Health Institute</u> Director: Dr. B.J. Dave <u>Independence Mental Health Institute/PMIC Unit</u> 2277 Iowa Ave Independence, IA 50644 Phone: (319) 334-2583	Comprehensive Residential (PMIC)	8/1/08-8/1/2009	30	Full	Control Room	Dupey	Buchanan
<u>Mid-Iowa Family Therapy Clinic, Inc.</u>							

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Director: Christine Secrist-Mertz <u>Perry</u> 410 12th Street Perry, IA 50220 Phone: (515) 465-5739	<u>Child Placing</u> Adoption Foster Care	1/5/09-6/1/2009	NA	Full	N/A	Dupey	Dallas
<u>Ames</u> 1531 Airport Road, Suite A Ames, IA 50010 Phone: (515) 239-9974	<u>Child Placing</u> Adoption Foster Care	6/1/06-6/1/2009	NA	Full	N/A	Dupey	Story
<u>Waterloo</u> 3275 West 4th St. Waterloo, IA 50701 Phone: (319) 833-0072	<u>Child Placing</u> Adoption Foster Care	7/10/06-7/1/2009	NA	Full	N/A	Dupey	Black Hawk
<u>Council Bluffs</u> 136 South 7th St. Council Bluffs, IA 51501 Phone: (712) 325-1136	<u>Child Placing</u> Adoption Foster Care	1/1/09-1/1/2010	NA	Full	N/A	Dupey	Pottawattamie
<u>Des Moines</u> 1201 63rd Street Des Moines, IA 50311 Phone: (515) 254-1556	<u>Child Placing</u> Adoption Foster Care	8/1/06-6/1/2009	NA	Full	N/A	Dupey	Polk
<u>Fort Dodge</u> 900 Central Avenue Suite 19 Fort Dodge, IA 50501 Phone: (515) 573-5128	<u>Child Placing</u> Adoption Foster Care	6/1/06-6/1/2009	NA	Full	N/A	Dupey	Webster
<u>Cedar Rapids</u> 2515 18th Street SW Cedar Rapids, IA 52404 Phone: (319) 390-5500	<u>Child Placing</u> Adoption Foster Care	6/1/06-6/1/2009	NA	Full	N/A	Dupey	Linn

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Mount Pleasant 1501 W. Washington P.O. Box 435 Mount Pleasant, IA 52641 Phone: (319) 385-1919	Child Placing Adoption Foster Care	6/1/06-6/1/2009	NA	Full	N/A	Dupez	Henry
Fort Madison 1014 Avenue H Suite 1 Fort Madison, IA 52627	SATELLITE	SATELLITE	N/A	N/A	N/A	Dupez	Lee
Ottumwa 835 W. Main Ottumwa, IA 52501 Phone: (641) 683-5993	Child Placing Adoption Foster Care	11/1/07-6/1/2009	NA	Full	N/A	Dupez	Wapello
Mason City Petersen Plaza, Suite 201 202 1st Street SE Mason City, IA 50401 Phone: (641) 423-3911	Child Placing Adoption Foster Care	1/1/09-1/1/2010	N/A	Full	N/A	Dupez	Cerro Gordo
<u>Midwest Academy Treatment, L.L.C</u> Director: Ben Trane <u>Midwest Academy Treatment</u> 2818 Highway 218 Montrose, IA 52639 Phone: (319) 463-5592	Comprehensive Residential	5/19/08-5/1/2009	20	Full	Control Room	Wilcox	Lee
<u>Midwest Christian Services</u> Director: Everett Fowler <u>White House</u> 4509 20th Avenue Peterson, Iowa 51047 Phone: (712) 295-5430	Comprehensive Residential	10/1/07-10/1/2009	10	Full	None	Kroeger	Clay
<u>Brick House</u>	Comprehensive	10/1/07-10/1/2009	15	Full	None	Kroeger	Clay

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
4509 20th Avenue Peterson, Iowa 51047 Phone: (712) 295-5431	Residential						
<u>New Choices, Inc.</u> Director: Brad Hammack Radcliffe House 3035 Radcliffe Avenue Iowa City, IA 52245 Phone: (319) 358-2953	Community MR	4/1/06-4/1/2009	3	Full	None	Wilcox	Johnson
<u>Amy Drive</u> 101 Amy Drive Muscatine, IA 52761 Phone: (563) 263-2903	Community MR	12/1/06-12/1/2009	3	Full	None	Wilcox	Muscatine
<u>43rd Street House</u> 3304 West 43rd Street Davenport, IA 52806 Phone: (563) 328-1029	Community MR	6/1/08-6/1/2009	3	Full	None	Wilcox	Scott
<u>New Horizons Adoption Agency, Inc.</u> Director: Marlys Ubben Mason City 103 East State Street, Suite 623 Mason City, Iowa 50402 Phone: (641) 421-7332	Child Placing Adoption Foster Care	2/1/08-2/1/2011	N/A	Full	N/A	Dupey	Cerro Gordo
<u>North Iowa Juvenile Detention Services</u> Director: Louis Cox 1440 West Dunkerton Road Waterloo, Iowa 50703 Phone: (319) 291-2455	Public Detention	1/1/09-1/1/2010	31	Full	Mechanical Restraints & Control Room	Wilcox	Black Hawk

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>Northwest Iowa Multi-County Regional Juvenile Detention Center</u>							
Director: Cheryl McGrory <u>YES Center</u> 1231 West Cedar Loop Suite 110 Cherokee, Iowa 51012 Phone: (712) 225-5777	Public Detention	2/1/09-2/1/2010	15	Full	Mechanical Restraints & Control Room	Kroeger	Cherokee
<u>Orchard Place</u>							
Director: Carolyn Heijtmanek <u>Aliber House</u> 925 SW Porter Des Moines, Iowa 50315 Phone: (515) 285-6781	Comprehensive Residential (PMIC)	8/1/08-8/1/2009	24	Full	Control Room	Kroeger	Polk
<u>Kenyon House</u> 1301 Kenyon Avenue Des Moines, Iowa 50315 Phone: (515) 287-9711	Comprehensive Residential (PMIC)	8/1/08-8/1/2009	15	Full	Control Room	Kroeger	Polk
<u>Jacobson House</u> 925 SW Porter Des Moines, Iowa 50315 Phone: (515) 285-6781	Comprehensive Residential (PMIC)	8/1/08-8/1/2009	20	Full	Control Room	Kroeger	Polk
<u>Shiffler House</u> 925 SW Porter Des Moines, Iowa 50315 Phone: (515) 285-6781	Comprehensive Residential (PMIC)	8/1/08-8/1/2009	20	Full	Control Room	Kroeger	Polk
<u>Bright House</u> 925 SW Porter Des Moines, Iowa 50315 Phone: (515) 285-6781	Comprehensive Residential (PMIC)	8/1/08-8/1/2009	24	Full	Control Room	Kroeger	Polk
<u>Des Moines</u>	<u>Child Placing</u>	8/1/08-8/1/2009	N/A	Full	None	Kroeger	Polk

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
925 S.W. Porter Avenue Des Moines, IA 50315 Phone: (515) 285-6781	Foster Care						
<u>Phillips, Carolyn</u> Director: Carolyn Phillips <u>A Brighter Tomorrow</u> 505 5th Street, Suite 520 Sioux City, IA 51101 Phone: (712) 224-2892	Child Placing Adoption Foster Care	6/1/2006-6/1/2009	N/A	Full	None	Kroeger	Woodbury
<u>Polk County Youth Services</u> Director: Brian Boyer <u>Polk County Youth Shelter</u> 1548 Hull Avenue Des Moines, Iowa 50316 Phone: (515) 286-3221	Public Shelter	5/1/08-5/1/2009	20	Full	None	Dupey	Polk
<u>Polk County Juvenile Detention Center</u> 1548 Hull Avenue Des Moines, Iowa 50316 Phone: (515) 286-3344	Public Detention	5/1/08-5/1/2009	66	Full	Control Room & Mechanical Restraints	Dupey	Polk
<u>Quakerdale</u> Director: Robert Talbot <u>Quakerdale of New Providence</u> 26866 County Hwy S 55 New Providence, IA 50206 Phone: (641) 497-5219	Child Placing Adoption Foster Care Supervised Apartment Living	1/1/08-1/1/2011	N/A	Full	None	Dupey	Hardin
<u>Quakerdale of Marshalltown</u> 1909 Summit Street Marshalltown, Iowa 50158 Phone: (641) 752-3912	Child Placing Adoption Foster Care Supervised Apartment Living	1/1/08-1/1/2011	N/A	Full	N/A	Dupey	Marshall

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>Quakerdale of Waterloo</u> 140 South Barclay Street Waterloo, Iowa 50703 Phone: (319) 233-2554	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u> <u>Supervised Apartment Living</u>	1/1/08-1/1/2011	N/A	Full	N/A	Dupey	Black Hawk
<u>Quakerdale of Manning</u> 1500 West 3rd St, PO Box 366 Manning, Iowa 51455 Phone: (712) 655-2012	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u> <u>Supervised Apartment Living</u>	7/1/08-7/1/2011	N/A	Full	N/A	Dupey	Carroll
<u>Quakerdale of Newton</u> 5351 Liberty Avenue Newton, IA 50208 Phone: (641) 792-2500	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u> <u>Supervised Apartment Living</u>	7/1/08-7/1/2011	N/A	Full	None	Dupey	Hardin
<u>Quakerdale of New Providence- Gardner Cottage</u> 26866 County Hwy S 55 New Providence, Iowa 50206 Phone: (515) 497-5219	<u>Comprehensive Residential</u>	1/1/08-1/1/2011	10	Full	None	Dupey	Hardin
<u>Quakerdale of Marshalltown - Andrews Cottage</u> 2932 West 240th Street Marshalltown, Iowa 50158 Phone: (641) 752-6446	<u>Comprehensive Residential</u>	1/1/08-1/1/2009	14	Full	Control Room	Dupey	Marshall
<u>Quakerdale of Waterloo- Slife Cottage</u> 130 S. Barclay St. Waterloo, Iowa 50703 Phone: (319) 233-2554	<u>Comprehensive Residential</u>	7/1/08-7/1/2009	10	Full	Control Room	Dupey	Black Hawk
<u>Quakerdale of Waterloo - Crippen Cottage</u> 128 S. Barclay St. Waterloo, Iowa 50703	<u>Comprehensive Residential</u>	1/1/08-1/1/2011	10	Full	None	Dupey	Black Hawk

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Phone: (319) 233-2554							
<u>Quakerdale of Manning- Flensburg Cottage</u> 1500 W. 3rd St. Manning, Iowa 51455 Phone: (712) 655-2012	Comprehensive Residential	7/1/08-7/1/2011	14	Full	None	Dupey	Carroll
<u>Quakerdale of New Providence- Bartholomew Cottage Weekend Program</u> 26866 County Highway S 55 New Providence, IA 50206 Phone: (641) 497-5219	Private Shelter	2/1/08-2/1/2009	12	Full	None	Dupey	Hardin
<u>Quakerdale of Manning Shelter</u> 1500 W. 3rd St. Manning, IA 51455 Phone: (712) 655-2012	Private Shelter	8/1/08-8/1/2009	14	Full	None	Dupey	Carroll
<u>Quakerdale of Newton Shelter</u> 5351 Liberty Avenue Newton, Iowa 50208 Phone: (641) 792-2500	Private Shelter	7/1/08-7/1/2009	15	Full	None	Dupey	Jasper
<u>Rabiner Treatment Center Cottage 1</u> Director: Brad Klug/Tim Heller 1762 Johnson Avenue Fort Dodge, Iowa 5051 Phone: (515) 573-1347	Comprehensive Residential	9/1/08-1/1/2009	18	Full	Control Room	Dupey	Webster
<u>Cottage 2</u> 1762 Johnson Avenue Fort Dodge, Iowa 5051 Phone: (515) 573-1350	Comprehensive Residential	2/17/08-1/1/2009	18	Full	Control Room	Dupey	Webster

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>Cottage 4</u> 1762 Johnson Avenue Fort Dodge, Iowa 50501 Phone: (515) 573-1357	Comprehensive Residential	1/1/08-1/1/2009	18	Full	Control Room	Dupey	Webster
<u>Cottage 5</u> 1762 Johnson Avenue Fort Dodge, Iowa 50501 Phone: (515) 573-5970	Comprehensive Residential	1/23/09-3/23/2009	18	Provisional	Control Room	Dupey	Webster
<u>Fort Dodge-Beginning Choices</u> 1762 Johnson Avenue Fort Dodge, IA 50501 Phone: (515) 573-1354	Private Shelter	11/14/08-3/1/2009	20	Full	None	Dupey	Webster
<u>REM Iowa Community Services, Inc.</u> Director: Pat Costigan <u>REM Iowa - Marion</u> 2020 10th Avenue Marion, IA 52302 Phone: (319) 447-6380	Community MR	6/1/08-6/1/2009	3	Full	None	Wilcox	Linn
<u>REM Iowa - Appanoose</u> 149 Appanoose Court Iowa City, IA 52240 Phone: (319) 358-2843	Community MR	8/1/08-8/1/2009	3	Full	None	Wilcox	Johnson
<u>Rural Family Therapy Services, LLC</u> Director: Pat Lowenberg <u>Afton</u>	<u>Child Placing</u>	4/1/08-4/1/2010	NA	Full	NA	Kroeger	Union

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
2507 210th Street Afton, IA 50830 Phone: (641) 347-5060	Adoption Foster Care						
Creston 505 E. Taylor Creston, IA 50801	SATELLITE	SATELLITE	N/A	N/A	N/A	Kroeger	Union
<u>Ruth Harbor, Inc.</u> Director: Mark McDougal 534 42nd Street Des Moines, IA 50312 Phone: (515) 279-4661	Community Residential	6/1/06-6/1/2009	8	Full	None	Dupey	Polk
<u>Scott County Juvenile Detention Center</u> Director: Casey Smith 500 West 4th Street Davenport, Iowa 52801 Phone: (563) 326-8686	Public Detention	11/1/08-11/1/2009	18	Full	Mechanical Restraints & Control Room	Wilcox	Scott
<u>SequelCare of Iowa, L.L.C.</u> Director: Judy Seals SequelCare Violators Program 1991 Peach Avenue 4H Center Madrid, IA 50156 Phone: (515) 795-3338	Private Shelter	7/25/08-7/1/2009	10	Full	None	Dupey	Polk
Des Moines 3311 SW 9th Street Suite 100 Des Moines, IA 50315 Phone: (515) 274-9607	Child Placing Supervised Apartment Living	9/1/08-9/1/2009	N/A	Full	None	Dupey	Polk
<u>South Central Youth & Family Services Commission</u> Director: Scott Thomas							

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>South Central Youth & Family Services-Supervised Apartment Living</u> 203 East 4th Avenue Indianola, Iowa 50125 Phone: (515) 961-8421	<u>Child Placing</u> Supervised Apartment Living	11/1/07-11/1/2010	N/A	Full	N/A	Kroeger	Warren
<u>South Central Shelter</u> 203 East 4th Avenue Indianola, Iowa 50125 Phone: (515) 961-8421	Public Shelter	9/1/08-9/1/2009	10	Full	None	Kroeger	Warren
<u>South Iowa Area Detention Service Agency</u> Director: Linda (Butts) Clemens <u>Lee County - South Iowa Detention Services</u> 2528 225th Street Montrose, Iowa 52639 Phone: (319) 463-7417	Public Detention	12/1/08-12/1/2009	21	Full	Control Room & Mechanical Restraints	Wilcox	Lee
<u>Southwest Iowa Juvenile Emergency Services</u> Director: Richard W. Sousa <u>Southwest Iowa Juvenile Detention Center</u> 629 6th Avenue Council Bluffs, Iowa 51501 Phone: (712) 328-4893	Public Detention	11/1/08-11/1/2009	25	Full	Mechanical Restraints	Kroeger	Pottawattamie
<u>Stork Adoption Agency, Inc.</u> Director: Alla Lakov	<u>Child Placing</u> Adoption	7/1/08-3/1/2011	N/A	Full	N/A	Dupey	Polk

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
1626 5th Avenue SW Altoona, IA 50009 Phone: (866) 264-4644							
<u>Systems Unlimited, Inc.</u> Director: William Gorman <u>Downey Drive Residence</u> 1136 Downey Drive Iowa City, Iowa 52240 Phone: (319) 351-3734	Community MR	2/1/08-2/1/2011	5	Full	None	Wilcox	Johnson
<u>Brookwood Residence</u> 1305 Brookwood Drive Iowa City, IA 52240 Phone: (319) 358-6693	Community MR	2/1/08-2/1/2011	4	Full	None	Wilcox	Johnson
<u>4th Avenue Residence</u> 2251 4th Avenue Marion, IA 52302 Phone: (319) 373-6853	Community MR	9/1/08-9/1/2009	3	Full	None	Wilcox	Linn
<u>2219 Taylor Drive</u> 2219 Taylor Drive Iowa City, IA 52240 Phone: (319)338-7462	Community MR	1/1/09-1/1/2010	2	Full	None	Wilcox	Johnson
<u>Lee Street Residence</u> 4427 Lee Street NE Cedar Rapids, IA 52402 Phone: (319) 378-1801	Community MR	8/27/08-8/1/2009	3	Full	None	Wilcox	Linn
<u>Family Systems-Iowa City</u> 2533 South Scott Blvd. SE Iowa City, Iowa 52240 Phone: (319) 338-9212	<u>Child Placing</u> Adoption Foster Care	8/1/07-8/1/2010	N/A	Full	N/A	Wilcox	Johnson
<u>Family Systems-Muscatine</u>	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	None	Wilcox	Muscatine

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
3500 Oakview Drive, Suite B Muscatine, IA 52761							
<u>Family Systems-Washington</u> 208 S. Iowa Avenue, Suite B Washington, IA 52353	<u>SATELLITE</u>	<u>SATELLITE</u>	N/A	N/A	None	Wilcox	Washington
<u>Family Systems-Cedar Rapids</u> 4089 21st Ave S.W., Suite 213 Cedar Rapids, IA 52404 Phone: (319) 654-9195	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u>	8/1/07-8/1/2010	N/A	Full	N/A	Wilcox	Linn
<u>Tanager Place</u> Director: Mary Brown <u>Cedar Rapids</u> 2309 C Street SW Cedar Rapids, Iowa 52404 Phone: (319) 365-9164	<u>Child Placing</u> <u>Adoption</u> <u>Foster Care</u> <u>Supervised Apartment Living</u>	2/1/08-2/1/2011	N/A	Full	N/A	Wilcox	Linn
<u>Dutton Cottage</u> 2309 C St. S.W. Cedar Rapids, IA 52404 Phone: (319) 365-9164	Comprehensive Residential (PMIC)	9/1/08-9/1/2009	12	Full	Control Room	Wilcox	Linn
<u>Cook Cottage</u> 2309 C Street SW Cedar Rapids, Iowa 52404 Phone: (319) 365-9164	Comprehensive Residential (PMIC)	9/1/08-9/1/2009	12	Full	Control Room	Wilcox	Linn
<u>Tomlinson Cottage</u> 2309 C Street SW Cedar Rapids, Iowa 52404 Phone: (319) 365-9164	Comprehensive Residential (PMIC)	9/1/08-9/1/2009	12	Full	Control Room	Wilcox	Linn
<u>Van Vechten Cottage</u> 2309 C Street SW	Comprehensive Residential	9/1/08-9/1/2009	12	Full	Control Room	Wilcox	Linn

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Cedar Rapids, Iowa 52404 Phone: (319) 365-9164	(PMIC)						
<u>Sinclair Cottage</u> 2309 C Street SW Cedar Rapids, Iowa 52404 Phone: (319) 365-9164	Comprehensive Residential (PMIC)	9/1/08-9/1/2009	12	Full	Control Room	Wilcox	Linn
<u>Transitional Services of Iowa, Inc.</u>							
Director: Darin Dunn <u>Sioux City</u> 915 Pierce Street Sioux City, IA 51101 Phone: (712) 255-0204	<u>Child Placing</u> Supervised Apartment Living	3/1/08-3/1/2009	N/A	Full	N/A	Kroeger	Woodbury
<u>Council Bluffs</u> 427 E. Kanessville Suite 405 Council Bluffs, IA 51503 Phone: (712)323-1660	<u>Child Placing</u> Supervised Apartment Living	3/1/08-3/1/2009	N/A	Full	N/A	Kroeger	Woodbury
<u>William Pearce Adoption Services</u> Director: William Pearce 6868 NE Berwick Drive Ankeny, IA 50021 Phone: (515) 262-9047	<u>Child Placing</u> Adoption	9/1/07-9/1/2010	N/A	Full	N/A	Dupey	Polk
<u>Woodbury County Juvenile Receiving & Detention Center</u>							
Director: Mark Olsen <u>Juvenile Detention Center</u>	Public Detention	2/1/09-2/1/2010	21	Full	Mechanical	Kroeger	Woodbury

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u> Restraints	<u>Licenser</u>	<u>County</u>
822 Douglas Street, 4th Floor Sioux City, Iowa 51101 Phone: (712) 279-6621							
<u>Woodward Youth Corporation</u> Director: Mandy Loving-Moses <u>Woodward Academy</u> <u>B1- Delta Company</u> 1251 334th St Woodward, IA 50276 Phone: (515) 438-3476	Community Residential	8/1/08-8/1/2011	31	Full	None	Dupey	Boone
<u>Woodward Academy</u> <u>D1 - Victory Hall</u> 1251 334th St. Woodward, IA 50276 Phone: (515) 438-3483	Community Residential	8/1/08-8/1/2011	31	Full	None	Dupey	Boone
<u>Woodward Academy</u> <u>D2 - Triumph Hall</u> 1251 334th St. Woodward, IA 50276 Phone: (515) 438-3484	Community Residential	8/1/08-8/1/2011	31	Full	None	Dupey	Boone
<u>Woodward Academy</u> <u>A2 - Mountaineer Hall</u> 1251 334th St. Woodward, IA 50276 Phone: (515) 438-3481	Community Residential	8/1/08-8/1/2011	31	Full	None	Dupey	Boone
<u>Woodward Academy</u> <u>A1-Legacy Hall</u> 1251 334th St. Woodward, IA 50276 Phone: (515) 438-3481	Community Residential	1/12/09-1/1/2010	31	Full	None	Dupey	Boone

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Woodward Academy B2 - Expedition Hall 1251 334th St. Woodward, IA 50276 Phone: (515) 438-3474	Comprehensive Residential	8/1/08-8/1/2011	31	Full	None	Dupey	Boone
Woodward Academy C1 - Pathfinder Hall 1251 334th St. Woodward, IA 50276 Phone: (515) 438-3137	Comprehensive Residential	8/1/08-8/1/2011	31	Full	None	Dupey	Boone
Woodward Academy C2 - Navigator Hall 1251 334th St. Woodward, IA 50276 Phone: (515) 438-3480	Comprehensive Residential	8/1/08-8/1/2011	31	Full	None	Dupey	Boone
<u>Young House Family Services, Inc.</u> Director: Jack Escorcio Burlington 724 North 3rd Street PO Box 845 Burlington, Iowa 52601 Phone: (319) 752-4000	<u>Child Placing</u> Adoption Foster Care Supervised Apartment Living	5/1/08-5/1/2011	N/A	Full	N/A	Wilcox	Des Moines
Christamore Family Treatment Center 905 South Iris St. Mt. Pleasant, Iowa 52641 Phone: (319) 385-2906	Comprehensive Residential	4/1/06-4/1/2009	16	Full	Control Room	Wilcox	Henry
<u>Youth & Family Resource Services</u> Director: Jennifer Sievert Forest Ridge-Girls Shelter 4410 210th Street	Private Shelter	9/1/08-9/1/2009	10	Full	None	Dupey	Emmet

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
Estherville, IA 51334 Phone: (712) 362-2949							
<u>Forest Ridge-Boys Shelter</u> 506 2nd Avenue Gruver, IA 51344 Phone: (712) 362-4103	Private Shelter	9/1/08-9/1/2009	9	Full	None	Dupey	Emmet
<u>Forest Ridge - Seton Hall</u> 2043 395th Avenue Estherville, Iowa 50334 Phone: (712) 362-3425	Community Residential	9/1/08-9/1/2011	26	Full	None	Dupey	Emmet
<u>Forest Ridge - Rosa Parks Hall</u> 2043 395th Avenue Estherville, Iowa 50334 Phone: (712) 362-3425	Community Residential	12/1/07-9/1/2009	17	Full	None	Dupey	Emmet
<u>Forest Ridge - Oak Hall</u> 4502 230th St. Wallingford, Iowa 51365 Phone: (712) 867-4725	Community Residential	12/1/07-9/1/2010	15	Full	None	Dupey	Emmet
<u>Forest Ridge - Eagle Cottage</u> 4502 230th St. Wallingford, Iowa 51365 Phone: (712) 867-4728	Community Residential	12/1/07-9/1/2010	24	Full	None	Dupey	Emmet
<u>Forest Ridge - Crystal Cottage</u> 4502 230th St. Wallingford, Iowa 51365 Phone: (712) 867-4538	Community Residential	12/1/07-9/1/2010	24	Full	None	Dupey	Emmet

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>Forest Ridge - Anita Cottage</u> 4510 230th St. Wallingford, IA 51365 Phone: (712) 867-4548	Comprehensive Residential	12/1/07-9/1/2010	15	Full	None	Dupey	Emmet
<u>Youth & Shelter Services, Inc.</u> Director: George Belitsos <u>Jacobson Center</u> 420 Kellogg Ames, IA 50010 Phone: (515) 233-3141	<u>Child Placing</u> Adoption Foster Care Supervised Apartment Living	9/1/07-9/1/2010	N/A	Full	N/A	Dupey	Story
<u>Lighthouse Transitional Living Center</u> 1216 MLK Parkway Des Moines, IA 50314 Phone: (515) 288-7884	<u>Child Placing</u> Supervised Apartment Living	9/1/07-9/1/2010	N/A	Full	N/A	Dupey	Polk
<u>Iowa Homeless Youth Center</u> 1219 Buchanan Street Des Moines, Iowa 50316 Phone: (515) 265-1222	<u>Child Placing</u> Supervised Apartment Living	9/1/07-9/1/2010	N/A	Full	N/A	Dupey	Polk
<u>Youth & Shelter Services of Marshall County</u> 11 East State Street Marshalltown, Iowa 50158 Phone: (515) 752-2300	<u>Child Placing</u> Foster Care Supervised Apartment Living	9/1/07-9/1/2010	N/A	Full	N/A	Dupey	Marshall
<u>Youth & Shelter Services of Hamilton County</u> 321 Second Street Webster City, Iowa 50595 Phone: (515) 832-1061	<u>Child Placing</u> Foster Care Supervised Apartment Living	9/1/07- 9/1/2010	N/A	Full	N/A	Dupey	Hamilton

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>Youth & Shelter Services of Boone County</u> 105 South Marshall Boone, Iowa 50036 Phone: (515) 432-7983	<u>Child Placing</u> Foster Care Supervised Apartment Living	9/1/07-9/1/2010	N/A	Full	N/A	Dupey	Boone
<u>Rosedale Shelter</u> 703 Burnett Ames, Iowa 50010 Phone: (515) 233-2330	Private Shelter	2/1/08-2/1/2009	15	Full	None	Dupey	Story
<u>Youth Emergency Services & Shelter of Iowa</u> Director: <u>YESS</u> 918 SE 11th Street Des Moines, Iowa 50309 Phone: (515) 282-9377	Private Shelter	9/1/08-9/1/2009	60	Full	None	Dupey	Polk
<u>Youth Homes of Mid-America</u> Director: Ronald D. Stehl <u>Grubb East Cottage</u> 7085 NW Beaver Dr. Johnston, Iowa 50131 Phone: (515) 276-3473	Comprehensive Residential	5/1/08-5/1/2011	7	Full	Control Room	Dupey	Polk
<u>Grubb West Cottage</u> 7085 NW Beaver Dr. Johnston, Iowa 50131 Phone: (515) 276-3473	Comprehensive Residential	5/1/08-5/1/2011	7	Full	Control Room	Dupey	Polk
<u>Ross Cottage</u> 7085 NW Beaver Dr. Johnston, Iowa 50131 Phone: (515) 276-3473	Comprehensive Residential	5/1/08-5/1/2011	10	Full	Control Room	Dupey	Polk

<u>Agency</u>	<u>License Type</u>	<u>Licensing Period</u>	<u>Capacity</u>	<u>Full or Provisional</u>	<u>Special Provisions</u>	<u>Licenser</u>	<u>County</u>
<u>Sargent Cottage</u> 7085 NW Beaver Dr. Johnston, Iowa 50131 Phone: (515) 276-3473	Comprehensive Residential	5/1/08-5/1/2011	7	Full	Control Room	Dupey	Polk
<u>Grubb South Cottage</u> 7085 N.W. Beaver Dr. Johnston, Iowa 50131 Phone: (515) 276-3473	Comprehensive Residential	5/1/08-5/1/2011	7	Full	Control Room	Dupey	Polk
<u>Clark/Orval Cottage</u> 7085 NW Beaver Dr. Johnston, Iowa 50131 Phone: (515) 276-3473	Comprehensive Residential	5/1/08-5/1/2011	12	Full	Control Room	Dupey	Polk
<u>Jacobson North Cottage</u> 7085 NW Beaver Dr. Johnston, Iowa 50131 Phone: (515) 276-3473	Comprehensive Residential	2/16/09-2/1/2010	14	Full	Control Room	Dupey	Polk
<u>Jacobson West Cottage</u> 7085 NW Beaver Dr. Johnston, Iowa 50131 Phone: (515) 276-3473	Comprehensive Residential	2/16/09-2/1/2010	14	Full	Control Room	Dupey	Polk
<u>Community Services</u> 1132 44th Street Des Moines, Iowa 50311 Phone: (515) 279-2008	<u>Child Placing</u> Adoption Foster Care Supervised Apartment Living	1/1/08-1/1/2011	N/A	Full	None	Dupey	Polk
<u>Youth Shelter Care of North Central Iowa, Inc.</u> Director: Dennis Baugh 301 Avenue M West Fort Dodge, Iowa 50501 Phone: (515) 955-4222	Private Shelter	10/1/08-10/1/2009	20	Full	None	Dupey	Webster

Tab M

**(OJJDP Compliance Monitoring
Manual)**

Link to OJJDP Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002

<http://ojjdp.ncjrs.gov/compliance/guidancemanual.pdf>

Tab N

(OJJDP Audit Manual)

Link to OJJDP Guideline Manual: Audit of Compliance Monitoring Systems

<http://ojjdp.ncjrs.gov/compliance/OJPI71407A.pdf>

Tab O

(OJJDP Policy Statements)

CHAPTER I
OJJDP POLICY STATEMENTS

DSO

Policy Number: 89-1201

Date: April 1989

Issue: Latitude given to juvenile detention and correctional facilities to hold accused status offenders while contacting parents or arranging an appropriate placement.

Policy: It is OJJDP's policy not to hold status offenders or nonoffenders in juvenile detention or correctional facilities. However, there may be rare situations where short-term secure custody of accused status offenders and nonoffenders is necessary. For example, detention for a brief period of time prior to formal juvenile court action for investigative purposes, for identification purposes, to allow return to the juvenile's parents or guardian, or detention for a brief period of time under juvenile court authority in order to arrange for appropriate shelter care placement, may be necessary.

Thus, for the purpose of monitoring compliance with 223(a)(12)(A), the number of accused status offenders and nonoffenders held in juvenile detention or correctional facilities should not include (1) those held less than 24 hours following initial police contact, and (2) those held less than 24 hours following initial court contact. The 24-hour period should not include nonjudicial days. This provision is meant to accommodate weekends and holidays only.

The first 24-hour period begins at the time the juvenile is placed in a secure detention status by law enforcement officials. At the time the juvenile is released to or is under the custody of the court or court intake, the second 24-hour period begins.

There is no "grace" period for securely holding adjudicated status offenders. Thus, adjudicated status offenders should not be held in secure detention or correction facilities unless all the conditions of the valid court order provision have been met. Adjudicated youth found to be in the class of nonoffenders may not be held in secure detention facilities under any circumstances.

References: Section 223(a)(12)(A), JJDP Act.

Section 31.303, Formula Grants Regulation, Federal Register, June 1985.

Deinstitutionalization De Minimis, Federal Register, January 1981.

Legal Opinion Letter to Idaho, August 30, 1979.

Legal Opinion Letter to New Mexico, February 24, 1981.

Legal Opinion, May 23, 1983.

Legal Memorandum, April 3, 1985.

Policy Number: 89-1202

Date: April 1989

Issue: Interstate placement

Policy: When there is interstate placement of children and a state places a status or nonoffender in a secure detention or correctional facility of another state, the receiving state must count the youth in their annual monitoring report. It is OJJDP's position, however, that neither state is meeting the intent of the deinstitutionalization requirement because the sending state is not meeting its compliance assurance and are circumventing the system, and because the receiving state is housing a status offender or nonoffender in a secure detention or correctional facility.

Likewise, out-of-state runaways held for return to their home state pursuant to the Interstate Compact, are the reporting responsibility of the state where the youth is being held.

References: Section 31.303, Formula Grants Regulation, Federal Register, June 1985.

Deinstitutionalization De Minimis, Federal Register, January 1981.

Policy Number: 89-1203

Date: April 1989

Issue: Secure mental health

Policy: For the purposes of monitoring, Section 223(a)(12)(A) may be interpreted to include within its scope only juveniles who are before a juvenile, family, or other civil court for reasons which are unique to the individual's status as a juvenile. In other words, for the purposes of monitoring, a juvenile committed to a mental health facility under a separate state law governing civil commitment of individuals for mental health treatment or evaluation, would be considered outside the class of juvenile nonoffenders defined by Section 223(a)(12)(A) of the Act. This distinction for monitoring purposes does not permit placement of status offenders or nonoffenders in a secure mental health facility where the court is solely exercising its juvenile status offender or nonoffender jurisdiction.

The State must ensure that juveniles alleged to be or found to be juvenile status offenders or nonoffenders are not committed under state mental health laws to circumvent the intent of Section 223(a)(12)(A).

References: Section 223(a)(12)(A), JJDP Act.

Section 31.303, Formula Grants Regulation, Federal Register, June 1985.

Chapter 1, Paragraph 6, OJP Guideline Manual: Audit of Compliance Monitoring Systems.

Policy Number: 89-1204

Date: April 1989

Issue: Valid Court Order (VCO)

Policy: In order to be subject to secure detention or confinement under this provision, a juvenile must first have been brought into a court of competent jurisdiction and made subject to a "valid order."

A status offender who subsequently violates a valid court order remains a status offender and for the purposes of monitoring, is not reclassified as a criminal-type offender. Thus, a status offender who violates a valid court order cannot be held in an adult jail or lockup for any length of time.

In terms of the length of holding in a juvenile detention center prior to adjudication on the violation, if there has been judicial determination based on a hearing during the 24-hour grace period that there is probable cause to believe the juvenile violated the court order, the juvenile may be held in secure detention beyond the 24-hour grace period permitted for a noncriminal juvenile offender under OJJDP monitoring policy for such period of time as is provided by state law. However, detention prior to a violation hearing "should" not exceed 72 hours exclusive of nonjudicial days. The use of the term "should" provides states with the flexibility to accommodate existing state law and policy. State laws vary on the maximum length of secure detention permitted before an adjudicatory or fact finding hearing must be held. A factor in determining the time frame between the probable cause hearing (if any) and the hearing on the valid court order violation would include adequate time to obtain counsel and prepare witnesses and evidence for the hearing. The factual issues would generally not be complex. Therefore, it is OJJDP's policy, not a mandatory regulation, that if secure detention based on a probable cause determination is necessary, it should not exceed 72 hours exclusive of nonjudicial days.

Where state legislation currently prohibits or is silent on the secure confinement of status and nonoffenders who violate a valid court order, legislative amendment would be required if a state wanted to have the authority to confine status offenders who violate valid court orders. There are two reasons for this result: (1) the valid court order regulation limits such detention to the purposes of protection or to assure the juvenile's appearance at the violation hearing, and provides that these purposes must be "prescribed by the State law"; and (2) the JJDP Act does not provide substantive legal authority to a State. Consequently, more restrictive state legislation would take precedence over the latitude allowed by the valid court order exception to Section 223(a)(12)(A).

Policy Number: 88-1204

References: Section 223(a)(12)(A), JJDP Act.

Valid Court Order Criteria, Federal Register, August 1982.

Legal Opinion, May 23, 1983.

Separation

Policy Number: 89-1301
Date: April 1989
Issue: Separation

Policy: OJJDP discourages the placement of any youth in a facility which can be used for the detention and confinement of adult criminal offenders. However, minimal and acceptable separation for monitoring purposes of Section 223(a)(13) means that juvenile offenders and adult criminal offenders cannot see each other and no conversation is possible. This is commonly referred to as "sight and sound" separation and must be accomplished in the areas which include, but are not limited to admissions, sleeping, toilet and shower, dining, recreational, educational, vocational, transportation, health care and other areas as appropriate. This separation may be established through architectural design or time phasing the use of an area to prohibit simultaneous use by juveniles and adults.

Separation from adult offenders includes trustees.

A juvenile who has been transferred or waived or is otherwise under the jurisdiction of a criminal court does not have to be separated from adult criminal offenders pursuant to the requirements of Section 223(a)(13). Such juveniles may also, however, be incarcerated with other juveniles who are under the jurisdiction of a juvenile court?

This is because Section 223(a)(13) prohibits regular contact in institutions between two specific groups or categories of persons. The first is juveniles alleged to be or found to be delinquent, status offenders, and nonoffenders. The second is adult persons incarcerated because they have been convicted of a crime or are waiting trial on criminal charges.

Juveniles waived or transferred to criminal court are members of neither group or category subject to the Section 223(a)(13) prohibition. Therefore, such juveniles may be detained or confined in institutions where they have regular contact with either group or category covered by the prohibition. They are a "swing group" of individuals who can be placed with whomever the legislature or courts deem appropriate.

For purposes of monitoring compliance with Section 223(a)(13), separation is not required in nonsecure, community-based programs or facilities.

References: Section 223(a)(13), JJDP Act.

Section 31.303, Formula Grants Regulation, Federal Register, June 1985.

Legal Opinion No. 77-9, December 1, 1976.

Jail Removal

Policy Number: 89-1401
Date: April 1989
Issue: Jail removal exceptions
Policy: There are three (3) exceptions to the scope of Section 223(a)(14) as follows:

Exception 1:

OJJDP regulations implement a statutory exception allowing the temporary detention in adult jails/lockups of juveniles accused of nonstatus offenses who are awaiting an initial court appearance. An accused criminal-type offender can be detained for up to 24 hours in an adult jail or lockup if:

- a. the geographical area is certified by OJJDP as non-MSA; and
- b. the state has an enforceable 24-hour initial court appearance requirement for detained juveniles (for a detention or probable cause determination). Either the juvenile or his legal representative must personally appear (ex parte orders do not satisfy the requirement); and
- c. a determination is made that there is no existing acceptable alternative placement available; and
- d. the facility provides sight and sound separation.

As currently stated in the JJDP Act, this exception expires in 1989.

Exception 2:

If criminal felony charges have been filed against the juvenile in a court exercising criminal jurisdiction, then the juvenile can be detained in an adult jail or lockup.

Exception 3:

For the purpose of monitoring compliance with Section 223(a)(14), OJJDP has adopted a "6-hour" grace period which would permit the secure detention in an adult jail or lockup of those juveniles accused of committing criminal-type offenses (i.e., offenses which would be a crime if committed by an adult). This six hours is limited to temporary holding for the purposes of identification, processing, release to parent(s) or guardian(s), or transfer to juvenile court officials or juvenile shelter or detention facilities. Any such holding of juveniles should be limited to the absolute minimum time necessary to complete this action, not to exceed six hours, but in no case overnight. Section 223(a)(13) would prohibit such accused juvenile criminal-type offenders from having regular contact with adult offenders during this brief holding period. A status offender or nonoffender cannot be securely detained, even temporarily, in an adult jail or lockup.

(cont.)

Policy Number: 89-1401 (cont.)

Adjudicated delinquents may not be held for any length of time in adult jails or lockups, e.g., as a disposition, or while awaiting transfer to a juvenile correctional facility.

References: Section 223(a)(14), JJDP Act.

Section 31.303, Formula Grants Regulation, Federal Register, June 1985.

Proposed Criteria for Defining Adult Lockups, Federal Register, January 1988.

Legal Opinion Letter to Idaho, August 30, 1979.

Legal Opinion, May 23, 1983.

Legal Memorandum, June 25, 1985.

Legal Memorandum, September 19, 1985.

OJJDP Letter to Florida, February 10, 1986.

Policy Number: 89-1402

Date: April 1989

Issue: Jail removal baseline period

Policy: The base reporting period should be during the Calendar Year or Fiscal Year of the jail removal amendment (i.e., 1980 or FY 80-81). If data is not available during this period of time, a state may use a later period for which data is available to establish baseline information. However, states cannot use a period of time before 1980 in establishing baseline information for Section 223(a)(14).

Where a state determines that a change in their baseline data is necessary, this change must be justified. A written request reflecting the justification, with both the prior and new numerical baseline data, must be forwarded and approved by OJJDP.

References: Section 31.303, Formula Grants Regulation, Federal Register, June 1985.

Policy Number: 89-1403

Date: April 1989

Issue: Jail Removal Timeline

Policy: Section 223(a)(14) requires that no juvenile be detained or confined in any adult jail or lockup after December 8, 1985. Thus, the statutory date for full compliance is December 8, 1985. However, if a state fails to achieve full compliance by December 8, 1985, Section 223(c) allows three additional years if substantial compliance was achieved by December 8, 1985. These timelines apply to all states, regardless of when participation in the Act began, or whether participation is interrupted.

OJJDP will use the monitoring report covering the period December 1985 and beyond to determine whether the state achieved full or substantial compliance. The monitoring report covering the period December 1988 and beyond will be used to determine whether full compliance was achieved within the three (3) additional years provided in Section 223(c).

References: Sections 223(a)(14) and 223(c), JJDP Act.

Section 31.303, Formula Grants Regulation, Federal Register, June 1985.

Policy Number: 89-1404

Date: April 1989

Issue: Substantial Compliance - Unequivocal Commitment

Policy: In order to demonstrate substantial compliance with the jail removal requirements, states must achieve a 75% reduction in violations, and demonstrate an unequivocal commitment, through executive or legislative action, to achieving full compliance by December 1988.

An appropriate executive or legislative action is one which demonstrates a commitment on the part of the governor, the executive branch of the state, or the legislative body of the state. This action can be in the form of an executive order, acceptance of the formula award with the express understanding that such acceptance is tantamount to an unequivocal commitment on behalf of the governor, or specific legislative action which constitutes an unequivocal commitment.

References: Section 223(c), JJDP Act.

Legal Memorandum, June 25, 1987.

Monitoring

Policy Number: 89-1501

Date: April 1989

Issue: Monitoring Authority

Policy: A criminal justice council, State Advisory Group or state planning agency may be granted direct authority to perform the monitoring function or may contract with a public or private agency, under appropriate authority, for the performance of the monitoring function. The OJJDP holds the state agency implementing the JJDP program responsible for the monitoring effort and the validity of the monitoring report. However, the state does have some latitude in how monitoring efforts are undertaken. The monitoring plan must address specifically who the agency has authorized and/or contracted to assist in the monitoring function.

References: Section 223(a)(15), JJDP Act.

Section 31.303, Formula Grants Regulation, Federal Register, June 1985.

Chapter 1, Paragraph 6, OJP Guideline Manual: Audit of Compliance Monitoring Systems.

Policy Number: 89-1502

Date: April 1989

Issue: Monitoring Universe, Classification, and Inspection

Policy: The initial "universe" includes all facilities secure and nonsecure, which could potentially hold or have held juvenile offenders, status offenders, or nonoffenders. Every facility which has this potential, regardless of the purpose for housing the juvenile, comes under the purview of the monitoring requirements.

All facilities classified as secure detention or correctional facilities, jails, lockups, and other facilities used for the detention and confinement of juveniles and adult offenders must have periodic, on-site inspections to determine compliance with Sections 223(a)(12)(A), (13) and (14). This includes public and private facilities. At a minimum, these inspections should include a review of admission and release records, and a determination, where applicable, of the adequacy of separation.

References: Section 223(a)(15), JJDP Act.

Section 31.303, Formula Grants Regulation, Federal Register, June 1985.

Chapter 1, Paragraph 6, OJP Guideline Manual: Audit of Compliance Monitoring Systems.

Legal Memorandum, April 3, 1985.

Policy Number: 89-1503

Date: April 1989

Issue: Data Collection

Policy: States should select a monitoring period which will adequately reflect the actual level of compliance. This period of time must be a minimum of six months which can be projected for a full year in a statistically valid manner. States not having complete data may request OJJDP approval to use a statistically valid and randomly selected sample of facilities.

Data that is self-reported by facilities, or reported by another state agency to the Formula Grants agency, must be verified on-site, at a sample of facilities by the Formula Grants agency.

References: Section 31.303, Formula Grants Regulation, Federal Register, June 1985.

Chapter 1, Paragraph 7, OJP Guideline Manual: Audit of Compliance Monitoring Systems.

Tab P

(OJJDP Legal Opinions)

CHAPTER II
LEGAL OPINIONS

DSO

SUMMARY

Issue: DSO: Jurisdiction of Juveniles by Native American Tribes

Source: Legal Opinion No. 77-7, dated October 7, 1976

States are not held accountable in their annual monitoring reports for the failure to meet deinstitutionalization and separation requirements of the Act when Native American tribal entities exercise sovereign court and correctional jurisdiction over juvenile offenders.

(Retyped from copy)

Legal Opinion No. 77-7--Applicability of Juvenile Justice and Delinquency Prevention Act Provisions to Indian Tribal Courts--October 7, 1976

TO: LEAA Regional Administrator
Region VIII - Denver

This is in response to your request for an opinion with regard to the applicability of provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. Section 5601, et seq., Public Law 93-415 (Juvenile Justice Act), to Indian tribal courts exercising jurisdiction over juvenile offenders.

The issue was raised by South Dakota. The South Dakota State Criminal Justice Planning Agency (SPA) has acted under the assumption that, because the State has no authority to enforce compliance with the Juvenile Justice Act's requirements for deinstitutionalization of status offenders {Section 223(a)(12)} and separation of adult and delinquent offenders {Section 223(a)(13)} where Indian tribal courts have sovereign jurisdiction over juvenile offenders, it would not be held accountable for the failure of Indian jurisdictions to meet these statutory requirements.

Issue

Will a State be held accountable for compliance with Juvenile Justice Act requirements by Indian tribal entities exercising sovereign court and correctional jurisdiction over juvenile offenders?

Discussion

The State planning agency is required under Section 223(a)(2) of the Act to include in its plan "satisfactory evidence that . . . (it) . . . has or will have authority, by legislation if necessary, to implement such plan in conformity with this part." This authority may be granted through legislation or by executive order. The effect of the grant of authority is to put the sovereign authority of the State behind, and to hold the State accountable for, the actions and activities of the State planning agency in carrying out the purposes and requirements of the Juvenile Justice Act.

An Indian tribe within a State may, of course, be the beneficiary of funds subgranted by the State planning agency, either as a "unit of general local government" {Section 103(8)} or as a tribal entity. The sovereign authority of the tribe with regard to civil and criminal jurisdiction over acts committed on the reservation, however, varies from State to State and, in some States, from tribe to tribe within the State.

These jurisdictional variations result from provisions of Federal law specifying permissible Federal, State, and tribal jurisdiction; State laws and State interpretation of Federal and State laws regarding State and tribal jurisdictional authority; and local practices which have evolved over time. Where a tribe exercises jurisdiction over juvenile offenders through an established tribal court and operates correctional institutions for juvenile (and adult) offenders, and these activities are not subject to State law (i.e., the functions are performed under the sovereign authority of the tribal entity), the State cannot mandate tribal compliance with the statutory provisions of the Juvenile Justice Act. This office views the authority requirement of Section 223(a)(2) implicitly to limit the extent to which the State, through its designated State planning agency, can be held accountable for compliance with the requirements of the Act. Therefore, where the State has no authority to regulate or control the law enforcement activities of a sovereign Indian tribal entity, it cannot be held accountable for the failure of that tribal entity to meet requirements of the Juvenile Justice Act.

In South Dakota, all of the eight tribal entities recognized by the Secretary of the Interior as performing law enforcement functions exercise a full range of law enforcement functions (see LEAA

Financial Guideline M 7100.1 A, April 30, 1973, Appendix 7). South Dakota did not act under Section 7 of Public Law 280 (Public Law 83-280.67 Stat. 588) to assume civil and criminal jurisdiction over Indian country within the State. Therefore, insofar as the South Dakota tribes exercise sovereign jurisdiction over juvenile (and adult) offenders and, following adjudication, control institutional placement, the State of South Dakota is not accountable for tribal compliance with Sections 223(a)(12) and (13) of the Act. It follows that the State's compliance monitoring responsibility {Section 223(a)(14)} would not include tribal compliance with these Act requirements.

This opinion does not mean that South Dakota should fail to provide financial assistance to tribes which are desirous of meeting these important objectives of the Act, nor does it preclude the State from attaching appropriate special conditions to Crime Control Act and Juvenile Justice Act grants to Indian tribes in order to further these objectives.

Summary

It is the opinion of this office that where a State does not have jurisdiction over juvenile (and adult) offenders for acts committed in Indian country (jurisdiction is in a tribal court), the State may not be held accountable for the failure of the Indian tribal entity to comply with the statutory requirements of the Juvenile Justice Act for deinstitutionalization of status offenders {Section 223(a)(12)} and separation of adult and delinquent offenders {Section 223(a)(13)}.

SUMMARY

Issue: DSO: Minors in Possession of Alcohol

Source: Legal Opinion Letter to Pam Roylance from John J. Wilson, dated August 30, 1979

Juveniles under 18 years of age who violate Idaho Code and consume or possess alcoholic beverages are considered to be status offenders and fall within the deinstitutionalization requirements of the Act.

August 30, 1979

Legal Opinion Letter
(Retyped from copy)

TO: Ms. Pam Roylance
Juvenile Justice Specialist
Bureau of Law Enforcement
Planning Commission
Boise, Idaho 82720

This is in response to your request for an opinion as to whether Idaho must include alcohol offenses by a juvenile, i.e., illegal possession or consumption, in the annual monitoring report required by Section 223(a)(14) of the Juvenile Justice Act to determine a State's progress toward meeting the Section 223(a)(12)(A) deinstitutionalization of status offenders requirement.

Your letter states that under Idaho Code Section 23-949 it is a misdemeanor for any person under the age of 19 to consume or possess alcoholic beverages. The law thus applies both to juveniles age 17 and under who are subject to juvenile court jurisdiction and to 18 year olds who are adults under Idaho law. The issue is whether, because 18 year old adults fall under the alcohol beverage law, this would remove alcohol offenses committed by juveniles from the status offense category to the delinquency (criminal-type) offense category.

It is the opinion of this office that an alcohol offense that would be a crime only for a limited class of young adult persons must be classified as a status offense if committed by a juvenile.

Discussion

This particular issue has not previously been addressed by this office. In the Office of General Counsel Legal Opinion 77-13, December 31, 1976, we distinguished the three categories of criminal-type, status, and non-offender juvenile who are subject to juvenile court jurisdiction. Criminal-type offenders and status offenders were categorized on the basis of whether particular conduct of the juvenile would, in accordance with Section 223(a)(12)(A), "be a crime if committed by an adult" under the laws of a jurisdiction. The opinion did not, however, reach the question of whether an adult should be interpreted to mean any adult or all adults.

It is apparent from the legislative history of the 1974 Juvenile Justice Act's Section 223(a)(12) requirement for deinstitutionalization of status offenders that Congress considered it inappropriate, both from equal protection and effective treatment standpoints, to place juveniles who were not alleged or adjudicated to have engaged in substantive criminal conduct in juvenile detention or correctional facilities.

The Senate Judiciary Committee Report on the 1974 Act (S. Rep. No. 93-1011, July 16, 1974) strongly makes the point that noncriminal juveniles should be channeled to social service and other appropriate resources outside the juvenile system:

"... it is well documented that youths whose behavior is non-criminal--although certainly problematic and troublesome--have inordinately preoccupied the attention and resources of the juvenile justice system. Nearly 40 percent (one-half million per year) of the children brought to the attention of the juvenile justice system have committed no criminal act, in adult terms, and are involved simply because they are juveniles. These juvenile status offenders generally are inappropriate clients for the formal police, courts and corrections process of the juvenile justice system. These children and youth should be channeled to those agencies and professions which are mandated and in fact purport to deal with the substantive human and social issues involved in these areas." (p. 221)

The results of such a diversion of status offenders would, according to the Report, be as follows:

"... if the status offender were diverted into the social service delivery network, the remaining juveniles would be those who have committed acts which, under any circumstances, would be considered criminal. It is essential that greater attention be given to serious youth crime, which has increased significantly in recent years. These children and youth are appropriate clients for the formal process of the juvenile justice system." (Emphasis supplied) (p. 222)

The clear implication from this language is that the status offender category includes conduct that would, under circumstances, not be considered criminal. In Idaho this would include possession or consumption of alcoholic beverages by anyone over 18.

In its 1974 publication entitled, Status Offenders: A Working Definition, the Council of State Governments defines the term "status offense" as follows:

"A "status offense," as used in the literature and in the delinquency field, is any violation of law, passed by the state or local legislative body . . . which would not be a crime if committed by an adult, and which is specifically applicable to youth because of their minority."

The definition adds an additional element to the concept of a status offense--that it is an offense applicable to a group of persons because of their minority or youth. It would be inconsistent with this concept to define "status offense" solely in terms of whether particular conduct is proscribed based on a person's reaching the age of majority or the age at which juvenile court jurisdiction ends.

In sum, it is more consistent with the overall thrust of the Juvenile Justice Act, the existing legislative history, and the concept of "status" as a determinant of proscribed behavior to define an offense that is applicable both to juveniles and a narrow range of young adults as a status offense.

Under the Idaho law an 18 year old violator of the alcoholic beverage law is an adult status offender, and as such, outside the scope of the Act's coverage. Those under the age of 18, who violate the alcoholic beverage law, are juvenile status offenders within the purview of the Section 223(a)(12)(A) requirement. Therefore, they would have to be considered in the State's monitoring report on compliance with the deinstitutionalization requirement.

John J. Wilson
Attorney advisor
Office of General Counsel

SUMMARY

- Issues:
- 1) DSO: Placement of juveniles in secure facilities for diagnosis, treatment, and evaluation after adjudication
 - 2) DSO: Use of Valid Court Orders
- Source: Legal Opinion Letter to Richard Lindahl from John J. Wilson, dated February 24, 1981.
- 1) In keeping with the requirements for the deinstitutionalization of status offenders, youth adjudicated as in need of supervision must be placed in a nonsecure facility for the purposes of diagnosis, treatment and evaluation prior to a final disposition.
 - 2) Because this letter was written prior to the 1982 Federal Register Regulation on the valid court order, it gives general guidance to New Mexico on proposed legislation on the use of valid court orders.

Legal Opinion Letter
(Retyped from copy)

February 24, 1981

TO: Mr. Richard Lindahl
Corrections Department
State of New Mexico
113 Washington
Santa Fe, New Mexico 87501

This is in response to your request of February 13, 1981 for OGC review of a bill recently introduced in the New Mexico legislature, SB 51. You asked for the review of three provisions of this bill to determine whether they are consistent with the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

Section 18, Amending 32-1-27

This section of the bill provides basic rights which must be accorded to a juvenile offender. I see no difficulty with this proposed provision.

Section 22, Amending 32-1-32(d)

This provision would permit a juvenile court to order a child adjudicated delinquent or in need of supervision transferred to an "appropriate facility" of the Corrections and Criminal Rehabilitation Department for up to 120 days for diagnosis, treatment, and education, with a subsequent report to be submitted recommending a final disposition. With regard to children in need of supervision, the only "appropriate facility" for purposes of compliance with Section 223(a) (12)(A), the deinstitutionalization of status offenders requirement, would be one which meets the OJJDP regulation definition of a nonsecure facility. To the extent that State statutory authority would permit placement of such juveniles in secure juvenile detention or correctional facilities, and such authority were exercised, it could jeopardize future compliance with the deinstitutionalization requirement.

Section 23, Amending 32-1-34(C)(3)

This provision would permit a child adjudicated as in need of supervision, and placed on probation under conditions and limitations prescribed by the court, and who violates conditions of probation more than twice, to be ordered by the court, after a hearing, to be held in a secure detention facility for nonadjudicated delinquents for a period not to exceed 21 days.

As you are aware, the Juvenile Justice Amendments of 1980, enacted December 8, 1980, amend Section 223(a)(12)(A) to exclude juveniles who violate a valid court order from the coverage of the deinstitutionalization requirement. Thus, were the above provision of SB 51 to be enacted and subsequently enforced in accordance with OJJDP regulations that will establish the requirements of a valid court order, then the proposed statutory change would not endanger New Mexico's compliance with the deinstitutionalization requirement. While I cannot state with certainty what the OJJDP regulations will require in order to establish that a court order is valid, the legislative history provides a basis for the following general guidance:

A valid court order is an order entered by a court of competent jurisdiction which involves or results from a judicial controversy. This court must have the statutory power to act by entering a judgment or providing a remedy in accordance with due process requirements. To be a "valid" court order, the status offender must have received adequate and fair warning of the consequences of violating the order.

Further, at a judicial hearing on the alleged court order violation, the juvenile must receive full due process rights (as set forth in In re Gault) and, following the court's determination that there has been a violation, the court must further find that there is no rational alternative to incarceration of the juvenile.

John J. Wilson
Acting General Counsel

Separation

SUMMARY

Issue: Separation: Commingling of Adult and Juvenile Offenders in Community-Based Facilities

Source: Legal Opinion No. 77-9, dated December 1, 1976

The commingling of juvenile and adult offenders in nonsecure community-based residential treatment programs does not jeopardize a state's compliance with Section 223(a)(13).

(Retyped from copy)

Legal Opinion No. 77-9 - Placement of Juvenile Offenders in Community Residential Treatment Programs with Adults—December 1, 1976

TO: LEAA Regional Administrator
Region I - Boston

This is in response to your request for an opinion interpreting the scope of Section 223(a)(13) of the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. Section 5601, et. seq., as amended (Public Law 93-415, as amended by Public Law 94-503)(Juvenile Justice Act).

The Rhode Island State Criminal Justice Planning Agency or SPA has inquired whether its compliance with Section 223(a)(13) of the Juvenile Justice Act would be in jeopardy because Dismas House, a community halfway house operated by the Diocese of Providence, included in its residential population two juvenile offenders under the age of 18. It is the understanding of this office that some of the adults residing at Dismas House are under sentence following conviction for crime and that juveniles are placed there by the Juvenile Court following adjudication for delinquency.

Issue

Does Section 223(a)(13) of the Juvenile Justice Act prohibit the commingling of juvenile and adult offenders in community residential treatment programs?

Statutory and Guideline Provisions

Section 223(a)(13) of the Juvenile Justice Act requires that the State plan submitted under Section 223(a) in order to receive formula grant funds must:

(13) provide that juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges...

Section 123(12) of the Juvenile Justice Action (definitions section) defines the term "correctional institution or facility" as follows:

(12) the term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses....

LEAA State Planning Agency Grants Guideline M 4100.1E, Chap. 3, Par. 77 states the purpose of Section 223(a)(13) in subparagraph i(2):

This provision is intended to assure that juveniles alleged to be or found to be delinquent shall not be confined or detained in adult jails, lockups or correctional facilities unless the juvenile can be kept totally separate from adult inmates, including inmate trustees, except that contact incidental to admission and booking.

Discussion

The key words of Section 223(a)(13) that must be considered in resolving the issue raised by Rhode Island are "institution" and "incarcerated." By the terms of the section, commingling is

prohibited only in "institutions" where adults are "incarcerated" in either pretrial or postconviction status.

The term "correctional institution or facility," as defined by Section 103(12) is not used in Section 223(a)(13). The term was not in the original Juvenile Justice Act legislation but appeared as Section 601(1) of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. Section 3701, *et seq.* as amended (Public Law 90-351, as amended by Public Laws 93-83, 93-415, 94-430 and 94-503). In that act the term is used to define the scope of funding under the Part E corrections program and to define the scope of correctional plan requirements. Had Congress intended the term to apply to Section 223(a)(13), it could easily have used the term itself in place of the word "institution." That Congress failed to do so is indicative of a lack of such an intent. Therefore, this office does not feel constrained to define "institution" through a different term which was defined for a different purpose for a different act.

Senator Birch Bayh, cosponsor of S.821, the Senate bill that was the source of the Section 223(a)(13) requirement, discussed during floor debate the need to utilize community treatment programs for juveniles:

Community-based treatment for delinquents is the most promising road to rehabilitation. Institutionalization has proven a failure, indicating that separation of a youth from his home environment does little to prepare him to cope in a law-abiding manner when he returns home. The cost of incarceration in a closed environment is at least four times as great as most community facilities, particularly non-residential services. The success of probation in general shows that at least half of the incarcerated population would succeed in the community under supervision. (120 Cong. Rec. S 13491, daily ed., July 25, 1974.)

Senator Bayh's statement distinguishes treatment and rehabilitation in an open, community-based treatment program from incarceration in closed, institutional environments. The statement provides a reasonable basis for distinguishing an "institution," as used in Section 223(a)(13), from community-based treatment facilities such as the halfway house facility administered by Dismas House.

Further, while the term "incarcerated" is not defined by the Act, the term "incarceration" is defined by Black as follows: "Imprisonment, confinement in a jail or penitentiary." (Black's Law Dictionary, 4th Ed., 19.)

This definition, although not binding, is indicative of a common understanding, reflected in Senator Bayh's statement, that an individual may be "incarcerated" in a jail, penitentiary, or closed institutional environment, but not in a residential community treatment program.

In light of the legislative history indicating an intention to distinguish traditional "institutional" treatment from community treatment programs and the law dictionary definition of "incarceration" as limited to jails and penitentiaries, this office is of the opinion that the placement of juvenile offenders in an open, community halfway house where they have regular contact with adult offenders is not in violation of Section 223(a)(13) of the Juvenile Justice Act.

For purposes of Section 223(a)(13) an "institution" may, therefore, be defined as a "jail, lockup, penitentiary, or similar place of secure incarceration (including juvenile detention and correctional facilities of such a nature) which may, under State law, be utilized for the secure detention or confinement of juvenile offenders and adult persons who have been convicted of a crime or are juvenile offenders and adult persons who have been convicted of a crime or are awaiting trial on criminal charges." We view this definition as consistent with the statutory and

implementing guideline provision, supra, and the intent of Congress to assist the States in providing more enlightened and effective treatment of juvenile offenders.

Conclusion

Section 223(a)(13) of the Juvenile Justice Act and the implementing LEAA guidelines do not prohibit the commingling of juvenile and adult offenders in nonsecure community-based residential treatment programs.

Jail Removal

SUMMARY

Issue: Jail Removal: Scope of Section 223(a)(14)

Source: Letter to Doyle Wood from John J. Wilson, dated May 23, 1983.

In this letter, the scope of Section 223(a)(14) is addressed in five separate issues; a definition of "juvenile" is provided; and the three exceptions to removal of juveniles from adult jails and lockups are reviewed. The five issues addressed are:

1. Juveniles charged with or adjudicated for traffic [non-felony] offenses cannot be confined in adult jails and lockups.
2. Juveniles arrested for felonies in states whose juvenile code places exclusive age/offense jurisdiction for such crimes in criminal court cannot be confined in adult jails or lockups unless one of the three exceptions applies.
3. Juveniles waived or transferred to criminal court can only be detained after criminal [felony] charges have been filed.
4. Juveniles charged with fish and game civil [or misdemeanor] violations, cannot be detained in adult jails or lockups.
5. Neither status offenders nor nonoffenders can be detained in adult jails or lockups, including the former who have violated valid court orders.

Note: OJJDP's 1985 Formula Grants Regulations modified the issues addressed in this opinion. The modifications are noted by the bracketed words.

Legal Opinion Memorandum
(Retyped from copy)

May 20, 1983

TO: Doyle Wood
Juvenile Justice Specialist
OJJDP

FROM: John J. Wilson
Attorney-Advisor
OGC

SUBJECT: Scope of Section 223(a)(14)
Jail Removal Requirement

This is in response to your request for an opinion as to the scope of Section 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. Section 5601, et seq., as amended (Pub. L. 93-415, as amended by Pub. L. 94-503, Pub. L. 95-115, and Pub. L. 96-506), hereinafter Juvenile Justice Act. Section 223(a)(14), added to the Juvenile Justice Act by the Juvenile Justice Amendments of 1980 (Pub. L. 96-509), requires that each State participating under the formula grant program (Part B, Subpart I) submit a plan which shall --

"(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall promulgate regulations which (A) recognize the special needs of areas characterized by low population density with respect to the detention of juveniles, and (B) shall permit the temporary detention in such adult facilities of juveniles accused of serious crimes against persons, subject to the provisions of paragraph (13) where no existing acceptable alternative placement is available;"

You state that questions have arisen as to whether this section pertains only to those juveniles who are under the jurisdiction of a juvenile or family court or whether the requirement extends to juveniles under the jurisdiction of civil, criminal, municipal, or other courts which may have jurisdiction because of traffic offenses, fish and game violations, waiver or certification, etc.

Specifically, you ask whether Section 223(a)(14) applies in the following circumstances:

1. A juvenile is charged with a traffic offense and the court having jurisdiction over traffic offenses is other than a juvenile or family court;
2. A juvenile is arrested for a felony in a state whose code specifies that the court of jurisdiction for this particular offense is the criminal court;
3. A juvenile is in the process of being waived to criminal court but formal charges have not yet been filed in a criminal court;
4. A juvenile is charged with a state or municipal fish and game law violation and the court of jurisdiction for such offenses is other than a juvenile or family court; and,
5. A juvenile is charged with a status offense or is a status offender charged with or found to have violated a valid court order and the court of jurisdiction is a juvenile or family court.

The answer to these questions requires a definition of the term "juvenile" and an examination of the legislative history of Section 223(a)(14) in order to determine whether Section 223(a)(14) applies to all juveniles, only to those juveniles who are under juvenile or family court jurisdiction, and the nature of the exceptions spelled out in OJJDP's Formula Grants Regulations (28 C.F.R. Part 31).

Discussion

Section 223(a)(14) does not define the term juvenile. The "Definitions" section of the Juvenile Justice Act, Section 103, does not define the term. The Federal Juvenile Delinquency Act defines a juvenile, for purposes of that Act, as follows:

"For the purposes of this chapter, a juvenile, is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday,..." (18 U.S.C. 5031)

It appears that Congress chose not to define the term "juvenile" in the Juvenile Justice Act, leaving the term to be defined by reference to state law. As this office stated in Office of General Counsel Legal Opinion 77-13, December 31, 1976, which considered the scope of Section 223(a)(13):

"Generally, juvenile court jurisdiction is determined in each State through the establishment of a maximum age below which, for statutorily determined conduct or circumstances, individuals are deemed subject to the adjudicative and rehabilitative processes of the juvenile court. Such an individual, subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment for any conduct or circumstances defined by State law, is a 'juvenile' as this term is used, in the Juvenile Justice Act. This definition of 'juvenile' includes individuals who may be, for particular conduct:

- ▶ Subject to the exclusive jurisdiction of the juvenile court;
- ▶ Subject to the concurrent jurisdiction of the juvenile court and a criminal court;
- ▶ Subject to the original jurisdiction of a criminal court which has authority to transfer to a juvenile court for purposes of adjudication and treatment (a form of concurrent jurisdiction); or
- ▶ Subject to the exclusive jurisdiction of a criminal court for the particular conduct but subject to juvenile court jurisdiction for other statutorily defined conduct or circumstances.

"The basis for this definition of 'juvenile' is the proposition that if State law subjects an individual to juvenile court jurisdiction for purposes of adjudication related to particular conduct or circumstances, it has thereby, juvenile, determined that the individual is considered a in the eyes of the law even though he may be treated as if he were an adult for other statutorily defined conduct or circumstances. The assumption or retention of jurisdiction over a juvenile by a criminal court does not, ipso facto, transform the juvenile into an adult. Rather, it reflects a judgment by the State legislature or court authorities that the interests of society and the juvenile are best served by treating the juvenile as if he were an adult in certain circumstances."

Some state code provisions expressly define the term "juvenile." Others define the scope of juvenile or family court jurisdiction which can be applied to define a "juvenile" as this term is used in the Juvenile Justice Act.

Legal Opinion 77-13, supra, went on to distinguish a court's "delinquency" jurisdiction from other jurisdictional bases because the Section 223(a)(13) separation requirement was specifically applicable only to juveniles "alleged to be or found to be delinquent."¹ However, Section (a) (14) is not so limited. On its face, its to extend to all juveniles, regardless of whether the individual has been arrested, taken into custody, or charged, and regardless of the basis for the jurisdiction exercised by any court.

However, pursuant to the terms of the statute, OJJDP's rulemaking authority under Section 223(a) of the Act, and consistent with the clear congressional intent expressed in the House Report on the Juvenile Justice Amendments of 1980,² there are three exceptions to the broad scope of Section 223(a)(14).

Exception 1 - Low Population Density--OJJDP regulations implement a statutory exception allowing, within narrowly defined limits, the temporary detention in adult jails and lockups of juveniles accused of serious crimes against persons in low population density areas. {See 28 C.F.R. Section 31.303(i)(4).}

Exception 2 - Juveniles Under Criminal Court Jurisdiction--While the House Report indicates the Committee's general intent that the jail removal amendment "extend to all juveniles who may be subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations established by state law" (House Report at 25-26), the Committee also expressed its intent to except juveniles from the scope of the requirement once they have been charged in court with a criminal offense:

"If a juvenile is formally waived or transferred to criminal court by a juvenile court and criminal charges have been filed or a criminal court with original or concurrent jurisdiction over a juvenile has formally asserted its jurisdiction through the filing of criminal charges against a juvenile, the Section 223(a)(14) prohibition no longer attaches." (House Rept., ibid.)

However, the Committee Report continued:

"...the new provision is not intended to encourage increased waivers of juveniles to criminal court, a decrease in the age of original or concurrent criminal court jurisdiction, or a lowering of the age of juvenile court jurisdiction for specific categories or classes of offenses committed by juveniles." (House Rept., ibid.)

OJJDP has implemented this exception in its formula grant regulation. {See 28 C.F.R. Section 31.303(h)(2).}

Exception 3 - Temporary 6-Hour Hold--In addressing the implementation of the jail removal amendment, the Report stated that the Committee expects a "rule of reason" to be followed;

"For example, it would be permissible for OJJDP to permit temporary holding in an adult jail or lockup by police of juveniles arrested for committing an act which would

¹ The Juvenile Justice Amendments of 1977 expressly extended the scope of Section 223(a)(13) to include "youth within the purview of paragraph (12)," i.e.: status and nonoffender juveniles.

² House Report No. 96-946, May 13, 1980. The Section 223(a)(14) amendment originated in the House reauthorization bill. The Senate subsequently receded to the House bill, which became law.

be a crime if committed by an adult for purposes of identification, processing, and transfer to juvenile court officials or juvenile shelter or detention facilities. Any such holding of juveniles should be limited to the absolute minimum time necessary to complete this action, not to exceed six hours, but in no case overnight. Section 223(a)(13) would prohibit such juveniles who are delinquent offenders from having regular contact with adult offenders during this brief holding period." (House Rept., ibid.)

OJJDP has adopted this suggested "rule of reason" by permitting a temporary 6-hour holding period in its formula grant regulation {see 28 C.F.R. Section 31.303(l)(5)(iv) (G) and (H)}.

Conclusion

Based on the express language of Section 223(a)(14), its legislative history, and the implementing OJJDP regulations (28 C.F.R. Part 31), it is the opinion of this office that only those "juveniles," as that term is defined by state law and in accordance with the cited principles of Legal Opinion 77-13, *supra*, who fall within one of the three exceptions discussed above, can be detained or confined in an adult jail or lockup consistent with Section 223(a)(14). It does not matter whether the juvenile is under the jurisdiction of any court (i.e., in police custody) or, if under court jurisdiction, the nature or source of the court's jurisdiction. Thus, any detention or confinement of a juvenile in an adult jail or lockup would constitute an incidence of noncompliance with Section 223(a)(14) unless such detention or confinement falls within one of the three exceptions noted above.

Applicability to Specific Circumstances

In answer to your questions:

- (1) A juvenile charged with (or adjudicated/convicted of) a traffic offense in any court cannot, consistent with Section 223(a)(14), be detained or confined in an adult jail or lockup unless such offense constitutes a criminal act and criminal charges have been filed or the 6-hour hold exception is applicable.
- (2) A juvenile arrested for a felony in a State whose juvenile code places exclusive age/offense jurisdiction for that particular crime in a criminal court cannot be detained or confined in an adult jail or lockup unless one of the three exceptions applies, i.e., all conditions for the statutory low population density exception are met; criminal charges have been filed in a court having criminal jurisdiction; or the juvenile is held under the 6-hour hold exception.
- (3) A juvenile who has been waived to criminal court can be detained or confined in an adult jail or lockup only after criminal charges have been filed. Such a juvenile could also be held in a juvenile detention facility.
- (4) A juvenile charged with (or adjudicated for) a fish and game violation (assuming that such violations are civil and not criminal in nature) may not be detained or confined in an adult jail or lockup consistent with Section 223(a)(14).
- (5) A juvenile who is charged with (or adjudicated for) a status offense or who is a nonoffender, whether or not under juvenile or family court jurisdiction, may not be detained or confined in an adult jail or lockup consistent with Section 223(a)(14). A status offender charged with or found to have violated a valid court order may not be detained or confined in an adult jail or lockup.

OJJDP may wish to provide this opinion to participating States so that any remaining issues or questions with respect to who is a "juvenile" under particular State law provisions can be clarified, either through consultation with the State Attorney General, OJJDP, or this office.

SUMMARY

Issue: Jail Removal: Non-MSA Exception

Source: Memo to Doyle Wood from John J. Wilson, dated June 25, 1985.

Although two Wisconsin counties are included, per the Census Bureau, in Minnesota metropolitan statistical areas (MSA), neither has access to juvenile detention facilities in the neighboring Minnesota counties. Furthermore, because these Wisconsin counties do not qualify alone or in combination with contiguous Wisconsin counties as MSA's, they are not considered MSA's as used in the Act. They may, however, use the non-MSA exception.

Legal Opinion
(Retyped from copy)

Memorandum

June 25, 1985

TO: Doyle A. Wood
Juvenile Justice Specialist
SRAD, OJJDP

FROM: John J. Wilson
Associate General Counsel
OGC, OJP

SUBJECT: Wisconsin MSA's

This is in response to your request for an opinion regarding Wisconsin's request for a "special waiver" which could permit Douglas and St. Croix Counties to use the statutory exception to the Section 223(a)(14) jail removal requirement.

Section 223(a)(14) was modified by the 1984 Amendments to the Juvenile Justice Act to permit juveniles to be held in adult jails and lockups through 1989, under specific circumstances. The exception permits juveniles to be held in adult jails and lockups as follows:

- (1) the juvenile is accused of a nonstatus (i.e., criminal-type) offense; and
- (2) the juvenile is awaiting an initial court appearance pursuant to an enforceable State law requiring such an appearance within 24 hours after being taken into custody (excluding weekends and holidays);

However, this exception is limited by the statute to geographical areas which:

- (i) are outside a Standard Metropolitan Statistical Area (SMSA);
- (ii) have no existing acceptable alternative available; and
- (iii) are in compliance with the Section 223(a)(13) requirement to separate juveniles from adults in institutions.

The Wisconsin request makes a compelling argument that Douglas and St. Croix Counties, which are included as Metropolitan Statistical Areas (MSA's) by the Census Bureau because of their proximity to Duluth and Minneapolis-St. Paul in the neighboring State of Minnesota, are no differently situated than other counties in Wisconsin which may qualify for the exception. Neither Douglas nor St. Croix County has access to juvenile detention facilities in the neighboring Minnesota counties that make up the respective MSA's.

Although there is no pertinent legislative history regarding the statutory exception outlined above, it is apparent that the exception was intended as a stop-gap measure to permit nonmetropolitan areas within particular States additional time to develop alternatives to the temporary use of adult jails and lockups. The reason for the rule should govern its application. Here, the two Wisconsin counties would not qualify alone or in combination with contiguous Wisconsin counties as MSAs. Consequently, for purposes of applying the statutory exception to them, they need not be considered "Standard Metropolitan Statistical Areas" as this term is used in Section 223(a)(14)(i).

All the other requirements of the exception would, of course, continue to apply to Douglas and St. Croix Counties.

Please note that OJJDP would not be granting a "waiver" of the statutory requirement. It is axiomatic that Federal statutory requirements cannot be waived by the agency charged with their implementation and enforcement unless there is specific waiver authority granted by the statute which establishes the requirement. This is particularly true where, as here, third parties are the beneficiary of the statutory provision or the public interest is served by the legislative policy.*

*The subject of waiver of statutory provisions, though not directly relevant to the resolution of this issue, is considered in OGC Legal Opinion 75-46, May 20, 1975.

SUMMARY

Issue: Jail Removal: Request by Iowa for approval of a 24-hour removal exception in counties outside metropolitan statistical areas

Source: Memorandum to Brunetta Centner from John J. Wilson, dated September 19, 1985.

Iowa requested that they be allowed to hold juveniles for 24 hours in adult jails and lockups when "...the detention is authorized by an oral court order." The Office of General Counsel indicated that a "written or oral court order" is not the same as an "initial court appearance" and denied the exception to the State. The denial is based on: 1) the juvenile defendant's right to be present physically in the court and 2) the hearing being held within 24 hours of detention, not 48 hours as the Iowa Juvenile Code provides.

Legal Opinion
(Retyped from copy)

Memorandum

September 19, 1985

TO: Brunetta Centner
Juvenile Justice Specialist
OJJDP

FROM: John J. Wilson
Associate General Counsel
OGC, OJP

SUBJECT: Proposed Iowa Exception to Section 223(a)(14) Jail Removal Requirement

THRU: Emily Martin
Director
SRAD, OJJDP

This is in response to your request for OGC review of Iowa's letter of June 17, 1985, requesting approval of a 24-hour removal exception in counties outside metropolitan statistical areas, pursuant to Section 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (JJDP Act). In the letter, the State of Iowa asserts that it fulfills each of the conditions set forth in the JJDP Act and implementing formula grant regulation to qualify for an exception.

The regulation, set forth at 28 CFR §31.303(f)(4)(i), states the following requirement:

The State must have an enforceable state law requiring an initial court appearance within 24 hours after being taken into custody (excluding weekends and holidays);

Under Iowa's Juvenile Code, Chapter 232.22, subsection 4:

A child shall not be detained in a facility under subsection 2, paragraph "c" (an adult jail or lockup) for a period in excess of twelve hours without the oral or written order of a judge or a magistrate authorizing the detention. When the detention is authorized by an oral court order, the court shall enter a written order before the end of the next day confirming the oral order and indicating the reasons for the order.

The question that arises is whether simply obtaining a "written or oral court order" authorizing detention qualifies as an "initial court appearance."

The legislative history of the 1984 amendments to the JJDP Act (Pub. L. 98-473), which amended the Section 223(a)(14) exception, does not directly address this issue. However, Senator Paula Hawkins, in a Floor Statement during consideration of an amendment to the Continuing Appropriations bill which would have adopted the Section 223(a)(14) exception language that subsequently was enacted, stated:

"Finally, we have provided our most rural areas with a minor exception from the jail removal requirement for juvenile delinquents. In a limited way, we have allowed for a juvenile offender to be temporarily detained during the period before he can be brought before the Court." (130 Cong. Rec. S13077, October 4, 1984).

The reference to being "brought before the Court" is consistent with the standard legal definition of an "appearance":

"A coming into court as a party to a suit, either in person or by attorney, whether as plaintiff or defendant." Black's Law Dictionary, Fifth Ed., West Publishing Co.

In the Federal system, Rule 5 of the Federal Rules of Criminal Procedure requires that an arresting officer take any person arrested before a Federal magistrate for an "initial appearance" without unnecessary delay. At that time, the defendant is informed of the complaint or charge, of his right to counsel, of the general circumstances under which he may secure pretrial release, of his privilege against self-incrimination, and of his right to a preliminary examination (which must be scheduled unless waived). Thus, by analogy, an "initial court appearance" under the JJDP Act exception would require that the defendant be brought before the court in person for the primary purpose of being charged, continued in detention, or for other purposes.

Consequently, OGC must conclude that an "initial court appearance" requires the physical presence of the juvenile before a judge, referee, or other judicial officer rather than a phone call, paper submission, or the appearance of a court officer before the court solely for the purpose of obtaining an ex parte detention authorization. Whether the initial appearance constitutes a detention hearing or a probable cause hearing, the Juvenile Justice Act requirement of a "court appearance" must be held to require that the juvenile be brought before the court for a preliminary judicial determination at the earliest possible moment, but in no case more than 24 hours. Once that appearance has taken place, the juvenile may be placed in a juvenile detention facility or released, but could not be returned to the adult jail or lockup without violating Section 223(a)(14).

As OGC reads the Iowa Juvenile Code, there is no requirement that a juvenile taken into custody for the alleged commission of a delinquent act be brought before a judge or other judicial officer within 24 hours. Although the Iowa statutory requirement for a written or oral court order within 12 hours may result in 71% of juveniles detained in an adult jail or lockup being released within 24 hours, as the State claims, it does not necessarily result in a "court appearance" for all such juveniles or an appropriate detention placement for the other 29%.

The operative provision for a court appearance is Section 232.44 of the Iowa Juvenile Code, which provides that:

A hearing shall be held within forty-eight hours, excluding Saturdays, Sundays and legal holidays, of the time of the child's admission to a detention or shelter care facility....

It is at this hearing that the Code requires an appearance to determine both probable cause to believe the child committed the act alleged in the petition and whether the continued placement of the child in detention is authorized and warranted under Section 232.22 {see Iowa Code Section 232.44(4) and (5)}. If this statutory provision required the hearing to be held within 24 hours, rather than 48 hours, Iowa would qualify for the statutory exception.

In conclusion, OJJDP should notify Iowa that it cannot approve the 24 hour removal exception for counties outside metropolitan statistical areas in the State of Iowa because the State does not have a law requiring an "initial court appearance" for juveniles held in an adult jail or lockup within 24 hours after being taken into custody.

cc: Doyle Wood

SUMMARY

Issue: Jail Removal

Source: Letter to former Florida Governor Bob Graham from Doyle Wood, dated February 10, 1986 (reviewed and approved by the Office of General Counsel for legal content).

This letter provides guidance on four specific areas pertaining to the confinement of juveniles in adult jails and lockups. These are as follows:

1. Juveniles charged with felonies in criminal court may be held in adult jails or lockups. Juveniles charged with misdemeanors in criminal court may not be held, except for the six-hour or the 24-hour non-metropolitan statistical area (MSA) exceptions.
2. Although a juvenile's behavior is beyond control by juvenile detention center staff, the juvenile may not be transferred to an adult facility unless the juvenile, while at the detention center, is charged with a criminal offense and one of the three exceptions to Section 223(a)(14) applies.
3. Juveniles charged with or adjudicated of traffic offenses cannot be held in jails or lockups unless the offense is a felony or the six-hour or 24-hour non-MSA exception applies.
4. Juveniles charged (by police) but not yet indicted for capital or life crimes may not be held in jails or lockups unless applying the six-hour or 24-hour non-MSA exception.

February 10, 1986

(Retyped from original)

Honorable Bob Graham
Governor of Florida
State Capitol
Tallahassee, Florida 32301

Dear Governor Graham:

This is in response to your request regarding the scope of Section 223(a)(14) of the Juvenile Justice and Delinquency Prevention (JJDP) Act, 42 U.S.C. Section 5601, et seq., as amended. Section 223(a)(14) of the JJDP Act requires that each State participating under the Formula Grants Program submit a plan which shall--

"(14) provide that, beginning after the five-year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1989, promulgate regulations which make exceptions with regard to the detention of juveniles accused of nonstatus offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within 24 hours after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas which--

- (i) are outside a Standard Metropolitan Statistical Area (MSA),
- (ii) have no existing acceptable alternative placement available, and
- (iii) are in compliance with the provisions of paragraph (13)."

Section 223(c) of the JJDP Act requires the following:

"Failure to achieve compliance with the requirements of subsection (a) (14) within the 5-year time limitation shall terminate any State's eligibility for funding under the subpart, unless the Administrator determines that (1) the State is in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 3 additional years."

You indicate that concerns have arisen, and the Florida Juvenile Justice and Delinquency Prevention Advisory Group is asking for a response as to whether Section 223(a)(14) applies in the following circumstances:

1. Youth under age 18 who are formally charged in the adult criminal court either on felonies or misdemeanors in accordance with the provisions of Florida law, and held in jail;
2. Youth transferred from juvenile detention centers to jail for being beyond the control of detention staff as provided by Florida law;
3. Youths charged with the traffic offenses and under the sole jurisdiction of adult traffic court; and
4. Youths charged with capital or life crimes (murder, armed robbery, etc.) pending grand jury indictment.

In response to these questions, a determination is made that your use of the term "youth" is interchangeable to the term "juvenile" as used in Section 223(a)(14) of the Act. The answer to these questions requires a definition of the term "juvenile" and an examination of the legislative history of Section 223(a)(14) in order to determine whether Section 223(a)(14) applies to all juveniles, only to those who are under the juvenile or family court jurisdiction, and the nature of the exceptions spelled out in the Formula Grants Regulation (28 C.F.R. Part 31).

Section 223(a)(14) does not define the term "juvenile." The definitions section of the JJDP Act, Section 103, does not define the term. It appears that Congress chose not to define the term, leaving it to be defined by reference to State law. As stated in the Office of General Counsel Legal Opinion 77-13, December 31, 1976, which considered the scope of Section 223(a) (13):

"Generally, juvenile court jurisdiction is determined in each State through the establishment of a maximum age below which, for statutorily determined conduct or circumstances, individuals are deemed subject to the adjudicative and rehabilitative processes of the juvenile court. Such an individual, subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment for any conduct or circumstances defined by State law is a "juvenile," as this term is used in the Juvenile Justice Act. This definition of "juvenile" includes individuals who may be, for particular conduct:

- ▶ subject to the exclusive jurisdiction of the juvenile court;
- ▶ subject to the concurrent jurisdiction of the juvenile court and a criminal court;
- ▶ subject to the original jurisdiction of a criminal court which has authority to transfer to a juvenile court for purposes of adjudication and treatment (a form of concurrent jurisdiction); or
- ▶ subject to the exclusive jurisdiction of a criminal court for the particular conduct but subject to juvenile court jurisdiction for other statutorily defined conduct or circumstances.

The basis for this definition of "juvenile" is the proposition that if State law subjects an individual to juvenile court jurisdiction for purposes of adjudication related particular conduct or circumstances, it is thereby determined that the individual is considered a "juvenile" in the eyes of the law, even though he may be treated as if he were an adult for other statutorily defined conduct or circumstances. The assumption or retention of jurisdiction over a juvenile by a criminal court does not, *ipso facto*, transform the juvenile into an adult. Rather, it reflects a judgment by the State legislature or court authorities that the interests of society and the juvenile are best served by treating the juvenile as if he were an adult in certain circumstances."

On its face, the coverage of the term "juvenile," as used in Section 223(a)(14), is not limited and appears to extend to all juveniles, regardless of whether the individual has been arrested, taken into custody, or charged, and regardless of the basis for the jurisdiction exercised by any court.

However, pursuant to the terms of the statute, the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) rule making authority and consistent with the legislative history on the Juvenile Justice Amendments of 1980 (House Report No. 96-946, May 13, 1980. The Section 223(a)(14) Amendment originated in the House Bill. The Senate subsequently receded to the House Bill, which became law.), there are three exceptions to the broad scope of Section 223(a)(14).

Exception #1 - 24-Hour. Non-Metropolitan Statistical Area-OJJDP regulations implement a statutory exception allowing, within specifically defined limits, an accused juvenile criminal-type offender awaiting an initial court appearance to be detained up to 24 hours (excluding weekends and holidays) in an adult jail or lockup located in non-MSA areas. {See 28 C.F.R. 31.303(f)(4).}

Exception #2 - Juveniles Under Criminal Court Jurisdiction-The House Committee report expressed its intent to except juveniles from the scope of the requirement once they have been charged in a court with a criminal offense. Thus, OJJDP has implemented this exception in the Formula Grants Regulation. The requirement of 223(a)(14) excepts those juveniles formally waived or transferred to a criminal court and against whom criminal felony charges have been filed, or juveniles over whom a criminal court has original or concurrent jurisdiction and such court's jurisdiction has been invoked through the filing of criminal felony charges. {See 28 C.F.R. 31.303(e)(2).}

Exception #3 - Temporary Six-Hour Hold--In addressing the implementation of the jail removal amendment, the Report stated that the committee expects a "rule of reason" to be followed:

For example, it would be permissible for OJJDP to permit temporary holding in an adult jail or lockup by police of juveniles arrested for committing an act which would be a crime if committed by an adult for purposes of identification, processing and transfer to juvenile court officials or juvenile shelter or detention facilities. Any such holding of juveniles should be limited to the absolute minimum time necessary to complete this action, not to exceed six hours, but in no case overnight. Section 223(a)(13) would prohibit such juveniles who are delinquent offenders from having regular contact with adult offenders during this brief holding period."

OJJDP has adopted this suggested "rule of reason" by providing that a juvenile arrested or taken into custody for committing an act which would be a crime if committed by an adult may be temporarily held for up to six hours in an adult jail or lockup for purposes of identification, processing, or transferring. {See 28 C.F.R. 31.303(f)(5)(iv)(G) and (H).}

Conclusion

Based on the express language of Section 223(a)(14), its legislative history, and the implementing OJJDP regulations (28 C.F.R. Part 31), only those "juveniles," as that term is defined by State law and in accordance with the cited principles of Legal Opinion 77-13, who fall within one of the three exceptions discussed above can be detained or confined in an adult jail or lockup consistent with Section 223(a)(14). It does not matter whether the juvenile is under the jurisdiction of any court (i.e., in police custody) or if under court jurisdiction, the nature or source of the court's jurisdiction. Thus, any detention or confinement of a juvenile in an adult jail or lockup would constitute an incidence of noncompliance with Section 223(a)(14) unless such detention or confinement falls within one of the three exceptions noted above.

Applicability to Florida's Specific Circumstances

In answer to your questions:

- (1) Juveniles that are formally charged in criminal court through the filing of felony charges can be held in an adult jail or lockup (exception #2).

However, if the juvenile is formally charged in criminal court with a misdemeanor only, the juvenile cannot be detained or confined in an adult jail or lockup except when the six-hour hold exception or the 24-hour non-MSA exception is applicable.

- (2) Juveniles beyond the control of juvenile detention center staff cannot be transferred to an adult jail unless the juvenile, based upon actions while in the detention center, is being charged with a criminal-type offense, and one of the three exceptions is applicable.

- (3) A juvenile charged with (or adjudicated/convicted of) a traffic offense in any court cannot be detained or confined in an adult jail or lockup unless such offense constitutes a felony act and felony charges have been filed, or either the six-hour or 24-hour, non-MSA exception is applicable.
- (4) Juveniles charged (i.e., arrested by law enforcement officers) for capital or life crimes cannot be held in an adult jail or lockup pending grand jury indictment since criminal felony charges have not been filed, unless the six-hour hold exception or the 24-hour, non-MSA exception is applicable.

It should be noted that OJJDP added the term "felony" to 28 C.F.R. 31.303(e)(2) (exception #2), upon issuing the June 20, 1985, Formula Grants Regulation. The regulation prior to this date excepted all criminal charges. When OJJDP added the term "felony," an unintended loophole, whereby juvenile traffic offenders and violators of other misdemeanor laws could be jailed, was closed. Limiting this exception to "felony" violators may increase the number of compliance violations, thereby creating a problem in demonstrating substantial compliance (i.e., a 75 percent reduction in the number of juveniles held in jail). Thus, flexibility will be provided if Florida cannot or chooses not to reconstruct baseline data consistent with the change in 28 C.F.R. 31.303(e)(2) and is unable to demonstrate substantial compliance, because the current data excepts only "criminal felony charges" while the baseline data excepts all "criminal charges."

Under these circumstances, OJJDP will allow the State, upon request and approval, to modify the current data to also except juveniles having any "criminal charges" filed in a court with criminal jurisdiction in lieu of excepting only "criminal felony charges." This flexibility only pertains to demonstrating substantial compliance with Section 223(a)(14) of the JJDP Act. When full compliance is required, only juveniles having "criminal felony charges" filed will be exempted pursuant to exception #2.

I feel sure this information will assist in the process of proposing new legislation; however, if you desire additional information, please feel free to contact this Office.

Sincerely,

Doyle A. Wood
Assistant Director
State Relations and Assistance Division

cc: Ms. Nancy Linna, Chairperson
Juvenile Justice and Delinquency
Prevention Advisory Group

Monitoring

SUMMARY

Issue: Monitoring: Definition of a Secure Facility

Source: Memorandum to Alfred Regnery from John J. Wilson, dated April 3, 1985

Through a historical review of JJDP legislation and regulations, this memorandum defines the meaning of "staff secure" and clarifies OJJDP's legal basis for defining the term "secure." The distinguishing characteristic of a secure facility, as defined by the Act, is that "construction fixtures are designed to physically restrict the movements and activities of juveniles...."

Memorandum

(Retyped from original)

April 3, 1985

TO: Alfred S. Regnery
Administrator
OJJDP

FROM: John J. Wilson
Associate General Counsel
OGC, OJP

SUBJECT: Staff Secure

The Office of Juvenile Justice and Delinquency Prevention's proposed formula grant regulations, 50 F.R. 6098, February 13, 1985, contain a "clarification" of the term "secure" as used to define a detention or correctional facility for purposes of the Section 223(a)(12)(A) deinstitutionalization requirement.

The regulation commentary states the purpose of this change to be as follows:

The definition of "secure," as used to define a detention or correctional facility, {§31.304(b)} has been clarified to indicate that it does not include staff secure facilities. Under section 223(a)(12)(A) of the JJDP Act, status offenders and nonoffenders may be held for purposes of their own safety in a facility which is "staff secure," i.e., does not include fixtures designed to physically restrict the movements and activities of those placed therein. Such juveniles may be held for a limited and reasonable period of time, or such time allowed by State law, in order to assure their own protection and safety.

The regulation restates the prior (December 31, 1981) regulatory definition and adds an additional clarifying sentence:

(b) Secure. As used to define a detention or correctional facility this term includes residential facilities which have fixtures designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not include facilities which are "staff secure," i.e., where physical restriction of movement or activity is provided solely through facility staff.

Issue

You have asked this office to clarify the meaning of the term "staff secure" and to specify OJJDP's legal basis for clarifying the definition of the term "secure."

Statutory and Regulatory Review

Section 223(a)(12)(A) of the Juvenile Justice Act provides that State formula grant plans must:

(12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses which do not constitute violations of valid court orders, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities; and (emphasis supplied)

These terms are defined in Section 103(12) and (13) as follows:

(12) the term "secure detention facility" means any public or private residential facility which--

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;

(13) the term "secure correctional facility" means any public or private residential facility which--

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any non-offender, or any other individual convicted of a criminal offense;

The definitions in Section 103(12) and (13) were added to the Act in 1980 (and were not changed in 1984). Prior to the 1980 Amendments, a definition of the term "secure" was provided in OJJDP formula grant regulations. In commenting on the House Bill's proposed definitions, House Report 96-946, May 13, 1980, stated at p. 18:

H.R. 6704 redefines and clarifies the term "correctional institution or facility" in order to recognize the difference between detention and correctional facilities and to define the term secure, in conformance with current practice. The new definition is intended to provide more specificity and clarity. It is not intended, particularly with regard to the term "secure," to indicate a desire on the part of the committee for a change in current practice as expressed in existing regulations. The current definition of secure, as defined in current regulations, seems acceptable both to the States and to practitioners. Current practice as provided for by existing regulations, defines a secure facility as one which is designed and operated under the exclusive control of the staff of such facility, whether or not the person being has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, locked fences, or physical restraints in order to control the behavior of its residents.

As a consequence of the new definitions proposed by Congressman Andrews, Subcommittee on Human Resources, and incorporated in the statute on December 8, 1980, OJJDP felt constrained to modify its regulatory definition. The formula grant regulation which implemented the 1980 amendments (46 F.R. 63260, December 31, 1981) modified the definition of the term "secure" to make it consistent with the new statutory definition:

(b) Secure. As used to define a detention or correctional facility this term includes residential facilities which have fixtures designated (sic) to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures.

In publishing this regulation on December 31, 1981, OJJDP responded to one public comment on the modified definition as follows:

11. (Public) Comment: The definition of "secure" as used in the terms "secure detention facility" and "secure correctional facility" has been substantially changed by removing the use of "staff security measures" in addition to other architectural means for restricting the movements and activities of residents. This change is not warranted.

(OJJDP) Response: The change noted in the draft regulations {31.304(b)} the revised definitions of "secure correctional facility" in Section 103(12) and (13) of the Act, as amended. (46 F.R. 63261)

Obviously, OJJDP had concluded back in 1981 that the new statutory definitions of "secure detention facility" and "secure correctional facility" represented a substantive change which required the removal of the "staff secure" aspect of OJJDP's regulatory definition.

As the House Report, *supra*, notes, OJJDP's formula grant regulation, as in effect prior to the enactment of the 1980 Amendments, set forth a comprehensive definition of the term "secure facility," as well as several related terms. Those regulatory definitions were as follows:

(h) Facility. A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public or private agencies.

(i) Facility, Secure. One which is designed and operated so as to ensure that all entrances and exits from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents.

(j) Facility, Non-secure. A facility not characterized by the use of physically restricting construction, hardware and procedures and which provides its residents access to the surrounding community with minimal supervision.

(k) Lawful Custody. The exercise of care, supervision and control over a juvenile offender or non-offender pursuant to the provisions of the law of (sic) a judicial order or decree. (45 F.R. 53772 at 53778, August 12, 1980).

These OJJDP definitions had originated in 1978 as part of an effort to establish a comprehensive set of criteria to determine if a "facility" was a "juvenile detention or correctional facility" as that term was then used in Section 223(a)(12). In promulgating these definitions, OJJDP provided the following explanation in the Appendix to the final formula grant regulation published on August 16, 1978 (43 F.R. 36402):

The prohibition against placing status offenders and non-offenders in secure facilities is in keeping with the report of the advisory committee which recommends that status offenders not be placed in secure facilities, training schools, camps, and ranches. Cohen and Rutherford provide that:

A secure facility is one that is used exclusively for juveniles who have been adjudicated as delinquents. (Standard 7.1)

The difficulty with any definition that prohibits placement of status offenders in secure facilities lies in determining what program and architectural features make a facility secure. Discussions between OJJDP staff and knowledgeable people in the field resulted in the definition of security being related to the overall operation of the facility. Where the operation involves exit from the facility only upon approval of staff, use of locked outer doors, manned checkout points, etc., the facility is considered secure. If exit points are open but residents are authoritatively prohibited from leaving at anytime without approval, it would be a secure facility.

This definition was not intended to prohibit the existence within the facility of a small room for the protection of individual residents from themselves or others, or the adoption of regulations establishing reasonable hours for residents to come and go from the facility. OJJDP recognized the need for a balance between allowing residents free access to the community and providing facility administrators with sufficient authority to maintain order, limit unreasonable actions on the part of residents, and insure that children placed in their care do not come and go at all hours of the day and night or absent themselves at will for days at a time.

Experts advising OJJDP recommend that security rooms be used only in an emergency situation, and not without court approval. The OJJDP definition does not include this requirement. However, the limited use of security in individual emergency cases will have to be monitored to insure it is not used in excess. (43 F.R. 36402 at 36409)

Discussion and Conclusion

Based on the above review, it is my opinion that it would probably be beyond OJJDP's rulemaking authority to define the terms "secure detention facility" and "secure correctional facility" in a manner that would add significant elements or characteristics to those specified by Congress in 1980 when it defined those terms in the statute. The statute specifies "construction fixtures designed to physically restrict the movements and activities of juveniles..." as the distinguishing characteristic of a secure detention or correctional facility. For OJJDP to have continued to include the "operational," "program," or "staff control" element in its regulatory definition of secure in 1981, or to reinsert it in the proposed 1985 regulations, would have exposed OJJDP to the very real possibility of legal challenge.

Based on the above chronology, I would define a "staff secure" facility, to distinguish such facilities from those prohibited for status and non-offender juveniles as follows: A "staff secure" facility may be defined as a residential facility which: 1) does not include construction fixtures designed to physically restrict the movements and activities of juveniles who are in custody therein; 2) may establish reasonable rules restricting entrance to and egress from the facility and access to the community which govern the conduct of all facility residents; and 3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision or other programmatic intervention strategies.

This definition represents a departure from the 1978-1980 regulatory concept of relating security to the "overall operation" of the facility and the extent of staff control over facility entrances and exits. However, in view of the 1980 statutory definition, it may be considered either a necessary departure or, at a minimum, a departure which is well within the rulemaking discretion of the Administrator.

Tab Q

(Iowa AG Opinion)

Office of the Attorney General
State of Iowa

Opinion No. **97-6-3 (L)**

***1** June 20, 1997

JUVENILE LAW: Detention of Juveniles Charged with Forcible Felonies; Sight and Sound Separation. Iowa Code §§ 232.8(1)(c), 232.22(6) (1997). The exercise of original jurisdiction by the district court over a juvenile charged with a forcible felony is the equivalent of a waiver to district court for purposes of determining whether the juvenile may be held in a county jail pursuant to Iowa Code section 232.22(6). Juveniles over the age of sixteen years may be held in adult jails for forcible felony charges only after the district court has formally asserted its jurisdiction. Deviation from the requirement of sight and sound separation is permitted only when impracticable or unreasonable in light of concerns with public safety, protection of children, and other competing interests. (Marek to Crowl, Pottawattamie County Attorney, 6-20-97)

Mr. Rick D. Crowl
Pottawattamie County Attorney
227 South 6th Street
Council Bluffs, IA 51501-4293

Dear Mr. Crowl:

You have requested an opinion of the Attorney General interpreting Iowa Code section 232.22(6) (1997). That provision permits the placement of juvenile defendants in adult jail facilities when the juvenile court has waived jurisdiction pursuant to section 232.45 or section 232.45A for the alleged commission of a forcible felony. Section 232.22(6) also provides that such juveniles, if held in adult facilities, shall be held "wherever possible" in sight and sound separation from adults.

You have asked two specific questions. First, does Iowa Code section 232.22(6) apply in cases where the district court has original jurisdiction pursuant to section 232.8(1)(c) (1997) (excluding certain felony offenses committed by juveniles from the jurisdiction of the juvenile court)? Second, in situations where juveniles are placed in a county jail pursuant to section 232.22(6), under what circumstances may a county determine that the requirement of sight and sound separation from adults is inapplicable?

We conclude that the exercise of original jurisdiction by the district court over a juvenile charged with a forcible felony is the equivalent of waiver to district court for purposes of determining whether the juvenile may be held in a county jail pursuant to Iowa Code section 232.22(6), but that a juvenile over the age of sixteen years may be held in adult jails for forcible felony charges only after the district court has formally asserted its jurisdiction. Additionally, we conclude that deviation from the requirement of sight and sound separation is permitted only when impracticable or unreasonable in light of concerns with public safety, protection of children, and other competing interests.

In general, both state law and federal law prohibit the placement of juveniles in adult jails. See, e.g., Iowa Code § 232.22(2)(c)(4) (1997) (requiring that children in confinement be held in a separate room from detained adults); Iowa Code § 356.3 (1997) (requiring officers to hold juvenile prisoners separate from adult prisoners); 42 U.S.C. § 5633(14) (1995) (prohibiting juveniles from being detained or confined in adult jails or lockups).

***2** Both state and federal law make exceptions to the general rule and permit juveniles under the jurisdiction of criminal courts for certain felony offenses to be held in adult jails. See Iowa Code § 232.22(6) (1997) (permitting juveniles facing forcible felony charges following waiver of juvenile court jurisdiction to be held in jail); Iowa Code § 356.3 (1997) (allowing juveniles to be held in adult facilities under direct supervision, in suitable facilities, or when they would otherwise exert

"immoral influence" over other juveniles); 28 C.F.R. § 31.303(e)(2) (1995) (permitting juveniles in the jurisdiction of criminal court for felony charge to be held in jail).

Finally, in those exceptional circumstances where the placement of juveniles in adult jails is permitted, both state and federal law require that steps be taken to minimize contact and communication between adults and juveniles. See Iowa Code § 232.22(6) (1997) (requiring sight and sound separation from adults "wherever possible"); Iowa Code § 356.3 (requiring officers to prevent communication between juveniles and adults); 28 C.F.R. § 31.303(d)(1)(ii) ("the State must set forth the procedures for assuring no regular sight and sound contact between such juveniles and adults").

I.

Given the legal framework concerning placement of juvenile offenders in adult jails, your questions concerning Iowa Code section 232.22(6) necessarily require the additional consideration of federal authority. Iowa participates in the federal Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. § 5601 et seq., in which states are eligible to receive formula grant funding when they comply with certain requirements for the detention of juveniles.

Under the Act, each participating state must submit a plan and annual performance reports to the administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). 42 U.S.C. § 5633(a). Among other requirements, the Act requires states to certify that their statutes prohibit juveniles from being detained or confined in adult jails or lockups. 42 U.S.C. § 5633(14). The Act authorizes the administrator of OJJDP to promulgate rules establishing exceptions to the prohibition of confinement of juveniles in adult facilities. Id. See also 28 C.F.R. pt. 31.

One exception to the removal of juveniles from adult jails and lockups applies to "those juveniles formally waived or transferred to criminal court and against whom criminal felony charges have been filed, or juveniles over whom a criminal court has original or concurrent jurisdiction and such court's jurisdiction has been invoked through the filing of criminal felony charges." 28 C.F.R. § 31.303(e)(2).

The exception in the federal regulations for juveniles who have felony charges pending in criminal court conforms to the legislative intent at the time the amendments to the Juvenile Justice and Delinquency Prevention Act were written. "If a juvenile is formally waived or transferred to criminal court by a juvenile court and criminal charges have been filed or a criminal court with original or concurrent jurisdiction over a juvenile has formally asserted its jurisdiction through the filing of criminal charges against a juvenile, the section 223(a)(14) prohibition no longer attaches." House Report on the Juvenile Justice Amendments of 1980, House Report No. 96-946, May 13, 1980 (the House bill, which included the section 223(a)(14) amendment, became law).

II.

***3** In light of the state and federal restrictions on the placement of juveniles in adult jails, we now consider your specific questions. In enacting Iowa Code section 232.8(c) in 1995, the legislature excluded forcible felonies and several other criminal offenses committed by juveniles over the age of sixteen from the jurisdiction of the juvenile court. That sub-section provides in pertinent part: Violations by a child, age sixteen or older, which . . . constitute a forcible felony are excluded from the jurisdiction of the juvenile court and shall be prosecuted as otherwise provided by law unless the court transfers jurisdiction of the child to the juvenile court upon motion and for good cause. Iowa Code § 232.8(c) (1997).

Prior to the implementation of section 232.8(1)(c), the juvenile court exercised exclusive original jurisdiction over proceedings concerning juveniles alleged to have committed forcible felonies. See

Iowa Code § 232.8(1)(a) (1995). For a juvenile to be prosecuted for a forcible felony offense in district court, the juvenile court first had to waive jurisdiction following a hearing on a motion for waiver from the county attorney or the juvenile. See Iowa Code § 232.45 (1995). Once the juvenile court had waived jurisdiction and a juvenile had been convicted of a felony in district court, the district court retained jurisdiction for any subsequent felony offenses committed by that juvenile. Iowa Code § 232.45A. Significantly, the Code referred to this retention of jurisdiction by the district court as a "waiver." See Iowa Code § 232.22(6)(1995) ("If the court has waived its jurisdiction . . . pursuant to . . . section 232.45A . . .") (emphasis added).

Once a juvenile over the age of sixteen and accused of a forcible felony was waived to district court, counties had the option of placing that juvenile in jail pursuant to section 232.22(6). You ask whether, for purposes of determining eligibility of a juvenile accused of a forcible felony to be held in county jails pursuant to section 232.6, the exercise of original jurisdiction by a district court pursuant to section 232.8(1)(c) is the equivalent of a waiver of juvenile court jurisdiction following a motion and hearing pursuant to section 232.45 or the automatic waiver provisions of section 232.45A. We conclude that it is. To find otherwise would lead to an illogical result.

Because the 1995 enactment of section 232.8(1)(c), in effect, replaced the waiver procedure for sixteen-year-olds and seventeen-year-olds facing forcible felony charges with original jurisdiction in district court, section 232.22(6) would be meaningless if interpreted literally. Rules of statutory construction provide that the Code should be "liberally construed with a view to promote its objects" Iowa Code § 4.2 (1997). The manifest intent of the Legislature prevails over the literal interpretation of the words used in a statute. Whelp v. Iowa Dep't of Revenue, 333 N.W.2d 481, 483 (Iowa 1983).

***4** Of the several state and federal provisions concerning placement of juveniles in adult facilities, Iowa Code section 232.22 is the most recently enacted. The 1988 amendment to section 232.22(4), permitting the temporary commitment of juvenile offenders to adult facilities under certain circumstances, appears to have been enacted in order to take advantage of the regulatory exceptions allowed under the administrative rules promulgated under the amendments to the Juvenile Justice and Delinquency Prevention Act. See 28 C.F.R. § 31.303(e)(2).

The federal regulatory exceptions treat juveniles waived to district court the same as juveniles over whom the district court has asserted original or concurrent jurisdiction. 28 C.F.R. § 31.303(e)(2). The legislative grant of original jurisdiction to the district court for certain serious felonies committed by juveniles, Iowa Code section 232.8(1)(c) (1997), presumably was made with an awareness of the other relevant statutory and regulatory provisions. See Lamb v. Kroeger, 233 Iowa 730, 736, 8 N.W.2d 405, 408 (1943) (proper statutory interpretation is one that is consistent with other relevant provisions).

The conclusion that the legislature intended the exercise of original jurisdiction in district court to have the same effect as waiver to district court from juvenile court is also supported by the language of section 232.22(6). That section refers to retention of jurisdiction by the district court for subsequent offenses committed by a juvenile as a form of waiver. Compare Iowa Code § 232.22(6) ("If the court has waived its jurisdiction . . . pursuant to section 232.45A . . .") with Iowa Code § 232.45A(2) ("all criminal proceedings against the child for any aggravated misdemeanor or felony occurring subsequent to the date of the conviction of the child shall begin in district court . . .").

That the exercise of original jurisdiction by the district court is the equivalent to waiver from juvenile court does not completely answer the question whether juveniles facing forcible felony charges may be held in adult jails. As noted above, federal restrictions on the housing of juveniles in adult jails also may apply.

The regulations promulgated under the amendments to the Juvenile Justice and Delinquency Prevention Act permit juveniles under criminal court jurisdiction to be held in adult jails, but only in

limited circumstances. See 28 C.F.R. § 31.303(e)(3). When a criminal court has original jurisdiction over a juvenile, the juvenile may be held in an adult jail only “after such court’s jurisdiction has been invoked through the filing of criminal felony charges.” Id.

Pursuant to Iowa Code section 232.8(1)(c), the district court has jurisdiction over sixteen-year-olds and seventeen-year-olds facing forcible felony charges. Section 232.22(6) permits such juveniles to be held in adult jail facilities. Federal regulations applicable to states receiving funding through the Juvenile Justice and Delinquency Prevention Act, however, provide for the placement of such juveniles in adult jails only after charges have been filed so as to cause the district court to exercise jurisdiction. 28 C.F.R. § 31.303(e)(3).

***5** Typically, such an exercise of district court jurisdiction would first occur at initial appearance. [FN1] A juvenile arrested without a warrant for a forcible felony is not subject to the jurisdiction of the district court, and therefore may not be held in an adult jail until charges have been filed with the court. [FN2] Non-compliance by county jails would jeopardize the state’s grant funding from the Office of Juvenile Justice and Delinquency Prevention. [FN3] Non-compliance might also implicate the state Jail Inspection Standards. See, e.g., 201 IAC 50.13(1)(requiring detention of juveniles in jails to conform to applicable statutes).

III.

We turn now to your second question. Iowa Code section 232.22(6) provides that juveniles, if held in adult facilities, shall be held “wherever possible” in sight and sound separation from adults. You ask whether that provision allows waiver of the requirement of sight and sound separation if a suitable facility is not available in the county or, alternatively, the judicial district. You point out that there is no uniform policy among counties as to how far juveniles must be transported to alternate facilities in order to achieve sight and sound separation. Finally, you note that counties may be at risk of exposure to liability for failure to comply with the requirement of sight and sound separation.

The adverbial phrase “wherever possible” is used throughout the Code to indicate that exceptions are allowed to a general rule if the facts of a particular case show that compliance is not possible. See, e.g., Iowa Code § 18.18(3) (state procurement specifications shall eliminate, wherever possible, discrimination against items manufactured with reclaimed materials or soy-based inks); Iowa Code § 49.74 (election boards shall cause persons waiting on premises at time polling place is to close, “wherever possible,” to move inside of structure so doors can be closed); Iowa Code § 308A.1 (recreational bikeways “shall be routed, wherever possible, to allow the enjoyment of scenic views . . .”); Iowa Code § 321E.28 (a permit for moving of mobile homes, “wherever possible,” shall specify routes with a width of at least 24 feet); Iowa Code § 354.1(1) (purpose of platting is to prevent, wherever possible, land boundary disputes).

To our knowledge, the phrase “wherever possible,” as used in Iowa Code section 232.22(6) and elsewhere, has not been construed by an Iowa appellate court. The word “wherever” has been interpreted as meaning that deviation is permitted at points of impracticability or unreasonableness. Hanson v. Iowa State Commerce Comm’n, 227 N.W.2d 157, 163 (Iowa 1975). In some contexts, the Code uses the term “feasible” synonymously with the word “possible.” See, e.g., Iowa Code § 49.74 (equating possible with feasible).

When identical language is used in several places, it is presumed to have the same meaning in each context. Beer Glass Co. v. Brundige, 329 N.W.2d 280, 286 (Iowa 1983). Clearly, the use of the phrase “wherever possible” in Iowa Code section 232.22(6) indicates that the legislature envisioned circumstances in which the strict requirement of sight and sound separation of juveniles from adults in the jail population would be impractical, unreasonable, or infeasible.

***6** To determine under what circumstances sight and sound separation might not be required, we

must examine the purpose of the requirement. Statutes relating to the same subject matter must be considered in light of their common purpose. State v. Rich, 305 N.W.2d 739, 745 (Iowa 1981). The juvenile justice sections of the Iowa Code are liberally construed "to serve the child's welfare and the best interest of the state." Iowa Code § 232.1.

As noted in division II, supra, the separation of juveniles from adults in jail populations has precedent in both federal and state law. The movement to separate juveniles from adults in jails dates back to the late nineteenth century, when it was a reaction to the perceived abuse of children. See generally 1982 Op. Att'y Gen. 323, 323. Given that the motivation for sight and sound separation is protection of juveniles, and that -- as you point out in your opinion request -- failure to comply with the requirement may subject a county to a liability risk, no hard and fast rule is possible. We cannot say, for example, in every case where a county has determined that no facility affording sight and sound separation is available within the judicial district, that the section 232.22(6) requirement does not apply. Instead, deviation from the requirement of sight and sound separation is permitted only when impracticable or unreasonable in light of the competing interests of public safety, protection of children, and all other relevant factors.

Whether separation of juveniles from adults is possible and whether an action taken by a county is valid in any particular case would, of course, depend upon the facts and circumstances. See generally 1980 Op. Att'y Gen. 751, 758. We may not resolve such issues of fact in an opinion. See 61 IAC 1.5(3); 1992 Op. Att'y Gen. 55, 59-60. It is not difficult to imagine, however, circumstances that would lead to the conclusion that strict compliance with the requirement for sight and sound separation is infeasible. Unreasonable travel times or inadequate access to legal counsel, for example, might outweigh the benefits of sight and sound separation if available only at a very remote location. Nevertheless, each situation must be considered separately, and counties must attempt to achieve sight and sound separation.

Reasonable reliance on an opinion of the Attorney General generally demonstrates good faith. 1984 Op. Att'y Gen. 66, 69. No county can be shielded from liability, however, by the terms of an Attorney General's opinion.

IV.

In summary, the exercise of original jurisdiction by the district court over a juvenile charged with a forcible felony is the equivalent of waiver to district court for purposes of determining whether the juvenile may be held in a county jail pursuant to Iowa Code section 232.22(6). Juveniles over the age of sixteen years may be held in adult jails for forcible felony charges only after the district court has formally asserted its jurisdiction. Deviation from the requirement of sight and sound separation is permitted only when impracticable or unreasonable in light of concerns with public safety, protection of children, and other competing interests.

***7** Finally, it is important to note that the statutes on which this opinion is based have been the subject of numerous recent attempts at legislative amendment. E.g., H.R. 3876 (U.S. 1996) (would permit jailing of juveniles with adults without sight and sound separation in some circumstances); H.R. 3565 (U.S. 1996) (would increase numbers and types of offenses for which juveniles could be charged as adults); S. 1952 (U.S. 1996) (would ease the federal mandates on states, including the restrictions on jailing of some juveniles); S.F. 2435 (Iowa 1996) (would amend Iowa Code sections 232.22 and 356.3). In establishing policies for the jailing of juvenile offenders, one must be mindful of amendments to the authorities on which this opinion is based.

Sincerely,

Douglas R. Marek
Deputy Attorney General

[FN1] See Iowa R. Crim. P. 2.1. Jurisdiction of the district court might also first occur with the issuance of an arrest warrant upon a finding of probable cause by a magistrate. See Iowa Code § 804.1 (1997).

[FN2] Juveniles alleged to have committed delinquent acts may be “placed in a jail or lockup for up to six hours from the time they enter a secure custody status” 28 C.F.R. § 31.303(e)(2). This six hour exception would apply to juveniles over the age of sixteen who are alleged to have committed a forcible felony.

[FN3] The Office of Juvenile Justice and Delinquency Prevention applies a numerical de minimis standard when incidents of noncompliance “do not exceed an annual rate of 9 per 100,000 juvenile population of the State.” 28 C.F.R. 31.303(f)(6)(iii)(B)(2)(i).

1997 WL 458662 (Iowa A.G.)

END OF DOCUMENT

Tab R

(OJJDP Audit Reports)



U.S. Department of Justice

Office of Juvenile Justice and
Delinquency Prevention

Washington, D.C. 20531

9 0 SEP 1988

OCT 05 1988

Ms. Ann Thompson, Administrator
Commission on Children, Youth and Families
Department of Human Rights
Lucas State Office Building
Des Moines, Iowa 50319

Dear Ms. Thompson:

I have enclosed a copy of the Iowa Field Audit Report which describes the information gained and the recommendations I made during my October 12 - 16, 1988, on-site review of the State's compliance monitoring system.

Please review the Report and recommendations carefully. Pursuant to OJJDP Policy, you are required to respond to the Report, in writing, within 30 business days of receiving it.

Your response should clarify any issues relating to Iowa's compliance monitoring system that you feel are not adequately addressed by the Report. In addition, your response should address each of the recommendations contained in Section 6 of the Report.

If you concur with a recommendation, you may indicate such by describing what steps will be taken, by whom, and within what period of time, to implement it. If you disagree with a recommendation, please state your reasons, and I will respond to them. If any of the recommendations are not clear to you, please contact me for additional information.

The cooperation provided by the staff of the facilities involved and the effort that you and Gil Cerveney put into this audit was extremely helpful.

I look forward to receiving your response to the Report.

Sincerely,

Brunetta H. Centner

Brunetta H. Centner
Juvenile Justice Specialist

FIELD AUDIT OF COMPLIANCE MONITORING SYSTEM

IOWA

OCTOBER 1987

OJJDP AUDITOR

Brunetta H. Centner
Juvenile Justice Specialist
State Relations and Assistance Division
Office of Juvenile Justice and Delinquency Prevention

I. PURPOSE

Pursuant to Sections 223(a)(15) and 204(b)(7) of the Juvenile Justice and Delinquency Prevention(JJDP) Act, a field audit of Iowa's compliance monitoring system was conducted from October 12-16, 1987.

The purpose of the field audit was to determine the extent to which Iowa's system of monitoring compliance with the deinstitutionalization, separation, and jail removal provisions of the JJDP Act, satisfies the requirements for monitoring contained in the Final Regulation (28 CFR Part 31).

The field audit was preceded by a desk audit which involved a review of Iowa's written description of its compliance monitoring system. In keeping with generally accepted auditing principles, the field audit was carried out as an on-site verification of the written description.

II. FIELD AUDIT SCHEDULE

The following is a description of the persons contacted and the facilities visited during the field audit:

<u>Monday, October 12</u>	Ann Thompson, Administrator Commission on Children, Youth & Families Gil Cerveney, J J Specialist Commission on Children, Youth & Families
Purpose:	Verbal walk-through of the state's compliance monitoring system, and document review and analysis.
<u>Tuesday, October 13</u>	Boone City Jail Chief Donald Hart
Purpose:	Data Verification of a lockup.
<u>Wednesday, October 14</u>	State Training School for Boys/Juvenile Home Steve Huston, Administrator Dean Luxford, Director, Juvenile Home
Purpose:	Look at developing compliance problem.
<u>Thursday, October 15</u>	Linn County Detention Center Ivan Vonk, Executive Director
Purpose:	Data Verification of a detention center.
<u>Friday, October 16</u>	Commission on Children, Youth and Families Ann Thompson, Administrator Gil Cerveney, JJ Specialist
Purpose:	Exit Interview

III. MONITORING SYSTEM

Under the State of Iowa's new government reorganization plan, State government authority comes down from the Governor to an Office of Management headed by Patrick Cavanaugh. Mr. Cavanaugh is in charge of eight Managers, under whom all areas of state government are divided. Paul Carlson, Manager for Human Services, has responsibility for the Department of Human Rights and the agency designated to handle the Juvenile Justice and Delinquency Prevention program, the Governor's Commission on Children, Youth and Families.

The Commission on Children Youth and Families is one of several agencies of specific interests which retain, to a large degree, their independence although they are considered to be under the Department of Human Rights. The Human Rights Coordinator, Gretchen Hamlett, acts as a coordinator between the agencies under Human Rights and the Governor's Office. However, the agencies do retain direct access to the Governor's Office.

The monitoring system used by the Governor's Commission on Children, Youth and Families is centered on voluntary reporting by the state's adult jails and lockups. Submissions of jail data are made by the state's facilities throughout the year and data is verified on a sample basis by the staff of the Commission.

There is a Monitoring Plan on file which sets forth the basic information regarding their monitoring effort and includes the time line followed for all monitoring. Although all topics are covered, the plan does not include a complete discussion of the agencies or individuals responsible for each step of the process. It also fails to include a thorough discussion of how facility identification and classification updates are managed. Likewise, on-site inspection is included, but current staffing levels have prevented the attention inspection efforts need. Each of the three areas mentioned are primarily handled by Department of Corrections and Department of Human Services in their respective areas of authority. (See item 1 and 4 under "Findings and Recommendations.")

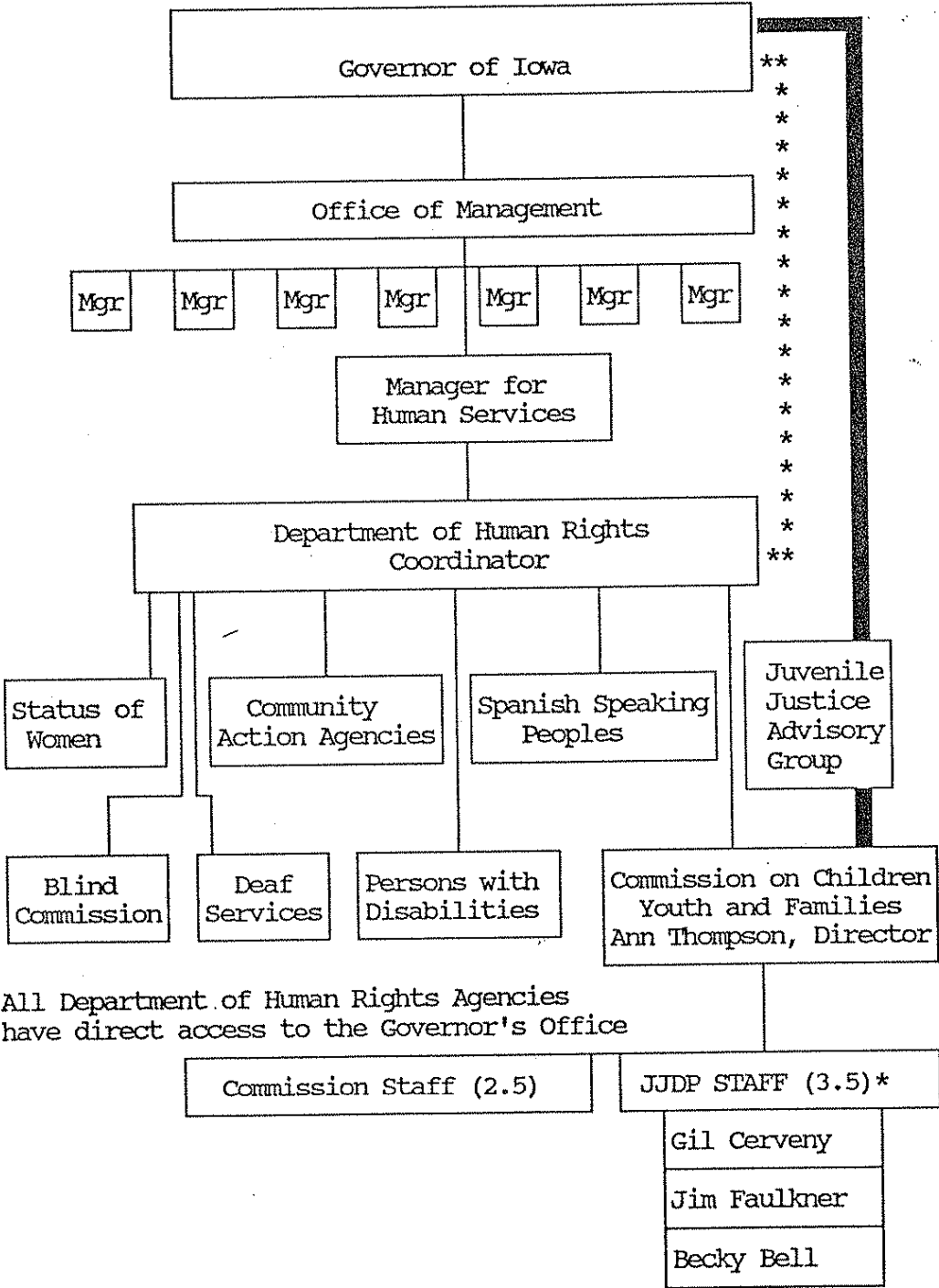
Although all necessary information regarding monitoring is on file, it has not been brought together in the form of a monitoring manual available for use by staff (especially new staff) and the Advisory Group members. (See item 8 under "Findings and Recommendations.")

The monitoring plan is most useful in keeping the agency on track when it includes a timeline for all continuing activities and all activities planned for a future date, including plans for the removal of monitoring barriers. It should also serve as a plan of action for staff involved in the monitoring effort. It is helpful to make the Monitoring Plan a part of a Monitoring manual which serves as a reference and a basis for teaching new staff members and the State Advisory Group membership about the monitoring authority, monitoring responsibilities, and monitoring procedures. A Monitoring Manual which contains all information pertinent to monitoring and is updated and maintained on a regular basis is a very useful tool in an efficient monitoring program.

(See Chart I on the next page.)

Chart I highlights the organizational structure in Iowa.

CHART I: ORGANIZATIONAL CHART FOR THE STATE OF IOWA



* Since the date of the Audit, Iowa has contracted for one additional employee, for the purposes of monitoring.

A. AUTHORITY TO MONITOR

The Commission does not have legal authority through legislative statute or executive order to monitor. Actual authority for all the functions necessary for monitoring have been divided between three agencies: the Department of Corrections, the Department of Human Services, and the Department of Inspection and Appeals.

To a large degree, the Commission's lack of authority has been handled through a Department of Management memo of understanding dated June 12, 1987. The memo defines the reason for the agreement, background on the previous practice, the new decision to have the Jail Inspector provide a certification document to the Department of Human Rights, as well as the jails and lockups inspected, the agreement to write a rule acknowledging the Department of Corrections as the agency responsible for enforcement of jail related requirements through imposition of sanctions and investigation of complaints regarding the use of jails and lockups for juvenile detention under the new statute prohibiting the holding of juveniles in jails.

This same memo of understanding gives the Department of Human Rights responsibility for collection of data which would document violations of state law and requires that the Department of Human Rights write rules to cover this new responsibility.

The Memo of Agreement does not, however, explain definitively that sight and sound determinations will be made based on the requirements of the JJDP Act regarding separation, nor does it include examples of situations which might cause a jail or lockup to be acceptable under Iowa law, but not under the JJDP Act. The Memo of Agreement does not include inspection of recordkeeping to insure that adequate data are maintained to determine compliance with the three statutory requirements of the JJDP Act.

Interagency agreements are the best way to overcome the lack of authority. This Memo of Understanding represents a good faith effort by the State to use authority already in place. Unfortunately, any change of personnel or structure in any of the agencies involved on an informal basis could easily jeopardize the system as a whole when the system is based primarily on informal relationships rather than interagency agreements. (See items 9 and 10 under "Findings and Recommendations.")

B. COMPATIBILITY OF DEFINITIONS BASED ON IOWA CODE

Significant differences exist between definitions in the Iowa Juvenile Code and those of the JJDP Act make attainment, maintenance, and verification of compliance difficult. In effect, the Commission is being asked to guide the State of Iowa in reaching goals for which there is no statutory base. Jail removal language recently became a part of Iowa's statutes, however, the Iowa Juvenile Code does not yet have language stating that no status offenders or non offenders may be held in secure facilities. Nor does the Juvenile Code define "Status Offender" or "Nonoffender."

1. Status Offender

Iowa Code has no definition of a status offender. If anything, it is

implied by exclusion in the definition of "delinquent act," which is defined by Iowa Statute 223.2 Section 12 as any violation that "would constitute a public offense if committed by an adult."

If a juvenile is not a "delinquent" by virtue of committing a "delinquent act," he is a "child" (person under eighteen as defined in Statute 223.2, Section 5) or a "child in need of assistance," defined in Statute 223.2, Section 4 as an unmarried child who has been [1] abandoned, [2] abused or neglected, or [3] has or will suffer due to conditions created by his parent or failure of the parent to supervise him, [4] has been sexually abused, [5] is in need of medical treatment, [6] whose parent fails to supply minimal care, [7] who has committed a delinquent act under pressure, guidance or approval of a parent, [8] has been the subject of or party to sex for hire, [9] who is without a parent, [10] whose parent for good cause desires to be relieved of his care and custody, [11] who, for good cause, desires to have parents relieved of care and custody, or [12] who is in need of treatment for chemical dependency and whose parent is unwilling or unable to provide such treatment.

2. Nonoffender

Iowa Code has no such definition except by exception as noted in definition number "1."

3. Delinquent

Iowa code has no definition for "delinquent." However, Iowa Statute 232.2, Section 12, does define a "delinquent act":

- a. The violation of any state law or legal ordinance which would constitute a public offense if committed by an adult except any offense which by law is exempted from the jurisdiction of this chapter.
- b. The violation of a federal law or a law of another state which violation constitutes a criminal offense if the case involving that act has been referred to the juvenile court.

4. Sight and Sound Separation

Senate File 522 amended Iowa Statute 232.22, Section 2, as noted by the underlined words following:

- (4) The child is confined in a room entirely separated from detained adults, is confined in a manner which prohibits communication with detained adults and is permitted to use common areas of the facility only when no contact with detained adults is possible.

5. Secure

Iowa Statute 232.2, Section 44, states the following:

"Secure facility" means a physically restricting facility in which children adjudicated to have committed a delinquent act may be placed pursuant to a disposition order of the court.

This definition is consistent with the JJDP Act; it does not, however, specify whether it includes facilities where physical restriction of movement or activity is provided solely through facility staff. The JJDP Act definition does not include such facilities as secure facilities. (See "Other Issues," p.15.)

6. Valid Court Order

Iowa does not have a valid court order provision in their law.

During the time covered by the audit, Iowa would not have been eligible for the valid court order exception if the provision was available because they did not have a 24 hour detention hearing requirement in their law. Since that time, new legislation has been passed which does call for a 24 hour detention hearing because the state wishes to take the non-MSA exception which also requires that Iowa have a 24 hour detention hearing law.

Iowa is not, at present, interested in taking advantage of the valid court order exception.

7. Deinstitutionalization of Status Offenders

Iowa currently does not have language addressing deinstitutionalization of status offenders directly; their statutory court proceedings are, however, limited to "Juvenile Delinquency Proceedings." Status offenders and nonoffenders, according to the law should be treated as any child would be treated. In practice, the holding of status offenders has not been a large problem for the state since 1980. Since that time, there has been a small but steady increase in the number of holds which are not in compliance with 223(a)(12), primarily due to runaways.

The handling of runaways has been an issue in the state that has always been a part of discussions regarding jail removal legislation. Some people would like to have legislation that would allow runaways to be legally held in secure custody to prevent more running, while others would like the runaways to be treated as status offenders as the JJDP Act mandates. Until the state has an effective program that can work with runaways in a nonsecure environment, the controversy will probably continue.

Based on the review of information from facilities, monitors have a very difficult task in defining which holds are status and nonoffenders, what the charges involved are, and whether juveniles are being held pre or post-adjudication. (See the Compliance Data Verification section for additional information.) Only a change in the handling of facility logs

will allow monitors to make their verification review for status offenders in an orderly and timely manner. Such changes will also give the facilities background information on which they can justify their holds in the event that any are questioned. (See items 5 and 6 under "Findings and Recommendations.")

8. Separation

Senate File 522 amended Iowa Statute 232.22, Section 2, as follows. The changes have been noted by striking out old language and underlining new language:

A child may be placed in detention as provided in this section in one of the following facilities only:

- (a) A juvenile detention home.
- (b) Any other suitable place designated by the court other than a facility under section "c".
- (c) A room in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed a delinquent act which if committed by an adult would be a felony, and if all of the following apply:
 - (4) The child is confined in a room entirely separated from detained adults, is confined in a manner which prohibits communication with detained adults and is permitted to use common areas of the facility only when no contact with detained adults is possible.

(See complete language under "Jail Removal" below.)

9. Jail Removal

Senate File 522 amended Iowa Statute 232.22, Section 2, to include jail removal language as follows. The changes have been noted by striking out old language and underlining new language:

A child may be placed in detention as provided in this section only in one of the following facilities only:

- (a) A juvenile detention home.
- (b) Any other suitable place designated by the court other than a facility under section "c".
- (c) A room in a facility intended or used for the detention of adults if there is probable cause

to believe that the child has committed a delinquent act which if committed by an adult would be a felony, and if all of the following apply:

- (1) The child is at least ~~fourteen~~ sixteen years of age, ~~and~~.
- (2) The child has shown by the child's conduct, habits, or condition that the child constitutes an immediate and serious danger ~~to the child's self or to another, or to property of another,~~ and a facility or place enumerated in paragraph "a" or "b" ~~of this subsection~~ is unavailable, or the court determines that the child's conduct or condition endangers the safety of others in the facilities, ~~and~~
- (3) The facility has adequate staff to supervise and monitor the child's activities at all times, ~~and~~.
- (4) The child is confined in a room entirely separated from detained adults, is confined in a manner which prohibits communication with detained adults and is permitted to use common areas of the facility only when no contact with detained adults is possible.

C. IDENTIFICATION OF MONITORING UNIVERSE

At present, the Commission on Children, Youth and Families receives information on the monitoring universe from the Department of Corrections and the Department of Human Services based on informal agreements with each agency. At the time of the audit, mental health facilities were not included in the identification process at all.

The Commission needs to determine resources available to them, assess their reliability for the purposes of compliance, and, based on their findings, develop a system for identifying all public and private facilities which could hold juveniles securely, taking into special consideration those facilities which might not be included within the net of current licensing and certification regulations, particularly mental health facilities.

D. CLASSIFICATION OF MONITORING UNIVERSE

The Department of Corrections has authority to classify and set standards where jails and lockups are concerned. The Department of Human Services has responsibility for classification, standard setting, and licensing of detention and shelter facilities. Current agreements with these agencies are

informal, with the exception of a Memorandum of Understanding between the State's Department of Management and the Corrections' Jail Inspector's Office relating to the inspection of jails. At the time of the audit, mental health facilities were not included in the classification process.

Facilities are usually classified following state statutes or corrections regulations classifying secure adult facilities, and the State's definition of "secure" under the Juvenile Code. This information may be used as the basis for the Commissions classification system, but their system must encompass facilities outside these regulations which could hold juveniles securely, such as mental health facilities.

For instance, DHS standards in Iowa do not permit secure fixtures in shelter, group, or foster homes. A good classification system would provide a periodic check of these facilities which are not considered secure, to determine that no procedures have been implemented or fixtures added that could hold residents in a secure manner.

E. MONITORING PERIOD

Iowa's monitoring has been based on a full 12 months that coincides with the State fiscal year, July 1 to June 30.

F. INSPECTION OF FACILITIES

The Department of Corrections has authority to inspect jails and lockups. The Department of Inspection and Appeals has authority to inspect detention and shelter facilities. Agreement between the Department of Inspection and Appeals and the Commission is informal. There is, however, an Office of Management Memorandum of Understanding with the Department of Corrections' Jail Inspector's Office to share inspection information regarding separation status of the State's jails and lockups, through a certification document which will be sent to the Department of Human Rights and the jail which was the subject of the inspection. (The Memorandum of Agreement is a part of Iowa's Audit File.)

At the time of this audit, inspection by the Jail Inspector's Office did not include adequacy of record keeping in their inspections. Adequacy of record keeping was the task of the Commission on Children, Youth and Families verification visit. As noted below, Iowa's verification effort has suffered from the State's reorganization and, based on the exit interview, the Commission was going to begin implementing a new verification program immediately which would resolve the inspection issue with respect to recordkeeping.

DHS inspection is carried out annually by the Department of Inspections and Appeals based on DHS Regulations. Inspections and Appeals does inspect facilities based on DHS's definition of nonsecure and any evidence of secure features is communicated to the Commission.

As of the time of this audit, the Commission was not monitoring mental health or chemical dependency programs which have the capacity to hold juveniles

securely. Since the audit, the Commission has begun the implementation of such a monitoring program. (See item 3 under "Findings and Recommendations.")

G. DATA COLLECTION/VERIFICATION (also see Chart II next page)

The Department of Corrections has authority to collect data where jails and lockups are concerned. The Department of Human Services has responsibility for collection of data for detention and shelter facilities. However, neither of these sources of collection are used by the Commission.

The Commission depends on a self-reporting system using a "Juvenile Detention Survey Form (in Iowa's Audit file) which is mailed at the end of the fiscal year to the Commission. The Commission does not have the authority to require facilities to permit review of records by the designated monitor. At present, visits are based on a good working relationship with the facilities involved and all facilities are reporting regularly (jails, lockups, detention, and training schools).

The Commission does not have the authority to require facilities to maintain specific information. When there are problems with jails and lockups, the practice has been to work through the Department of Corrections to bring about the needed change. This, too, is based on an informal working relationship with corrections.

Intake information and detention and shelter care logs are covered in licensing standards set forth in Administrative Code Chapter 105 of the Department of Human Services.

Juvenile Detention Survey logs used in the 1986 monitoring effort included the following information:

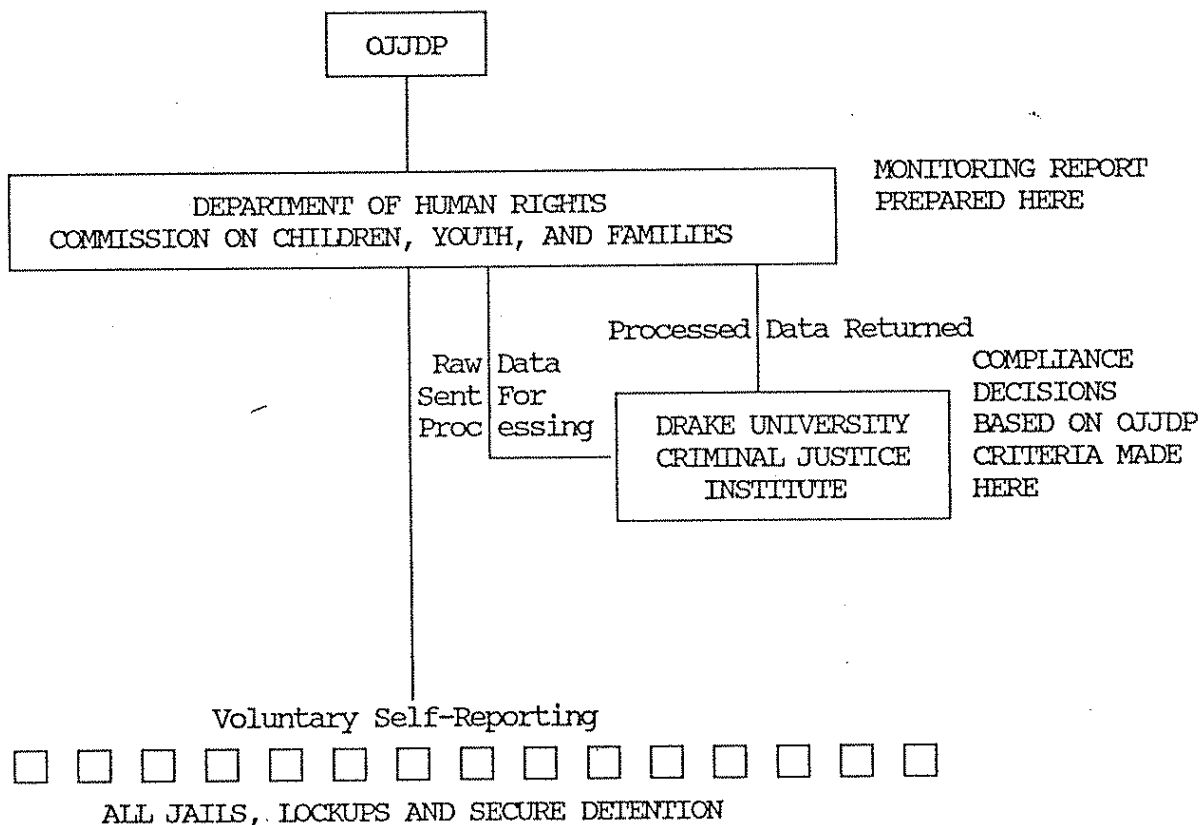
- | | |
|----------------------|----------------------------------|
| 1. Age | 7. Time Out |
| 2. Sex | 8. Chargeable offense/s or other |
| 3. Race | reason/s for detention |
| 4. Date of Admission | 9. Holding Authority |
| 5. Time In | 10. Jurisdiction |
| 6. Date of Release | |

Without knowing the chargeable offense, preferably by statute number, monitoring to accurately assess the compliance status of each hold is a much more difficult task requiring inquiry into other records and, in many cases, contacting the police officer or probation officer for additional information. (See items 5, 6 and 7 under "Findings and Recommendations.") Verification is handled by Commission staff in coordination with site visits. At the time of the site visit, they go back to the log and verify that all necessary reporting has been done. At the same time, they verify the facility's ability to separate juveniles from adults. The Commission has tried to maintain visitation to 15 facilities per year, the number which was determined to be a valid statistical sample. During reorganization, verification suffered more than any other aspect of monitoring because staff time was at such a premium. At the time of the audit, the Commission

expressed the intention to begin immediately to implement new verification procedures. (See item 2 under "Findings and Recommendations.")

Chart II highlights agencies participating in the data collection and reporting process and their interrelationships.

CHART II: IOWA DATA COLLECTION MODEL



(Additional information regarding verification is listed in Section I and IV below.)

H. METHOD OF REPORTING

Data processing is now being done by Drake University Criminal Justice Institute using a computer program developed by the staff of the previous designated agency and Dean Wright of Drake University, previously Chairman of the Criminal and Juvenile Justice Committee (the old criminal justice supervisory board.) The monitoring information is stored in a computerized database program on a Mackintosh Computer. The system allows the data to be grouped and sorted in a

number of ways. It can be viewed based on charge, length of hold, county, facility, age, etc. In addition, Drake already has information from two previous years and comparisons can be made with the older data.

New data representing the six months since the jail removal legislation went into effect, were not handled in this manner. They were prepared entirely by hand by Kelly Brodie, designated to handle Iowa's Jail Removal Initiative.

Actual data for the 1987 monitoring report have been handled by Drake University and will be given to the Commission on Children, Youth and Families, along with results of data analysis.

The monitoring report is written by the JJ Planner based on the actual numbers and the Drake University analysis. The monitoring report is also used in planning for improved jail removal efforts.

I. VIOLATION PROCEDURE

The Commission's monitoring effort incorporates findings of violations made in classification and inspection of facilities by Iowa's Department of Corrections and the Department of Human Services' Inspection and Appeals Unit into their monitoring data. A copy of the Jail Inspector's Inspection reports are officially submitted to the Commission, whereas contact with the Department of Human Services and the Department of Inspection and Appeals is less formal. All three agencies have authority to enforce sanctions within their area of responsibility based on their findings.

At the time of this audit there were no procedures for handling violations and there was only one sanction for violations. Corrections has the authority to close a jail based on the Jail Inspector's report, but to date this has never happened. The Commission has stated their intention to begin talks with Corrections and DHS with the goal of implementing formal violation procedures and sanctions which reflect varying degrees of severity.

Based on an informal agreement, the Commission does pass on their findings relating to possible violations, to the responsible agency. The findings are investigated and followed up if the investigation warrants it.

IV. OTHER ISSUES

Iowa's Monitoring System was originally based on the idea that each child not released after adjudication would be immediately transported from the court to the court ordered facility by the Sheriff's Department and every hold would be a pre-adjudicatory hold. Iowa Statute Chapter 232, Part II, Child Custody, Section 232.20(1) states:

If a child is taken into custody and not released as provided in section 232.19, subsection 2, the child shall immediately be taken to a detention or shelter care facility as specified in sections 232.21 or 232.22.

Section 232.19, subsection 2, as referred to above states:

When a child is taken into custody as provided in subsection 1 the person taking the child into custody shall notify the child's parent, guardian or custodian as soon as possible and shall not place bodily restraints, such as handcuffs, on the child unless the child physically resists or threatens physical violence when being taken into custody. Unless the child is placed in shelter care or detention in accordance with the provisions of sections 232.21 or 232.22, the child shall be released to the child's parent, guardian, custodian, responsible adult relative or other adult approved by the court upon promise of such person to produce the child in court at such time as the court may direct.

The Monitoring System planners do not appear to have anticipated that some holds might not be in compliance with this statute and they did not include, in their Monitoring System, any provision for determining the status of each hold (pre or post adjudication). As time passed, the agency became more aware of the possibility of post adjudication holds and, ultimately, audited a sample number of holds to determine whether or not juveniles were being held post-adjudication and, if so, how often it was happening. The result showed that the holds were minimal, and related to specific courts. Unfortunately, the post-adjudication study and report were lost during the many moves that came about with reorganization and were not available for review.

In response to the survey's findings, the agency developed an attitude survey which was sent to all courts. Responses were reviewed and they found that the attitude survey singled out the same courts noted in the adjudication study. Follow-up was in the form of an education program aimed at informing the courts about State law and the JJDP Act, especially those courts who had a post-adjudicatory hold incidence. With conclusion of the education program, the designated agency staff considered the problem of post adjudicatory holds eliminated. Unfortunately, they did not build in any method to allow them to check the recurrence of the problem.

The data which could be verified during the audit reflected compliance with the JJDP Act. However, the number of holds that were not supported with sufficient data in the jail logs or other back up information regarding jurisdictional and adjudicatory status, leaves the State's data open to criticism. There is no easily obtained documentation available to back up a compliance decision on questionable holds. In order to make a compliance decision based on adequate documentation, the State must implement a change in the recording procedure used by jails and lockups which will make verifiable information regarding the jurisdictional and adjudicatory status of each hold readily available at each site. (See items 5, 6, and 7 under "Findings and Recommendations.")

V. COMPLIANCE DATA VERIFICATION

A. Facility - Boone City Jail

Boone, Iowa, is a farming community with a population of 4800, and is located 45 minutes north of Des Moines. The city jail is located in the center of town in a large modern building that also houses the fire department and city offices.

The police department is located on the second floor of the west side of the building next door to the fire department. The main door on the side of the building is the only entrance to the jail which consists of only two cells with two bunks each and a bull pen and is located on the floor above the office area.

The desk personnel on the second floor have video and intercom contact with the cell areas and the bull pen when prisoners are in residence.

The booking area is located just off the second floor main hall next door to the desk area. The booking area has its own doorway with a regular wooden door and a service window that allows desk personnel to be in visual contact with the booking area at all times. The booking area is also used as a holding area for juveniles (delinquents, status offenders and nonoffenders). Although the nonsecure aspect of the room had been discussed when the State's juvenile planner originally arranged to use the booking room as an alternative holding room, in all cases, the door has been kept locked. The Chief now understands that the locked door is a deinstitutionalization compliance problem where status offenders and nonoffenders are concerned, and where jail removal is concerned. He has agreed to work with the Commission to resolve the problem and they are maintaining communication with the jail to verify that the problem is resolved.

A problem brought to their attention after verification of the 1986 jail data, was the possibility of mixing adults and juveniles in the booking area/holding room. To alleviate the problem the jail procedures manual now requires that before adults are brought into the booking area, juveniles must be moved from the holding room/booking room to another room behind the booking room and desk area which is used to test for levels of intoxication. This method eliminates sight and sound contact of adults and juveniles in the booking area and, due to the small number of juvenile holds and the speed with which they are released into other custody (parents, shelter-care, or detention), the incidence of non-compliant holds based on separation is no longer a problem.

The one juvenile cell is the cell farthest from the bull pen. There is a door which can shut off the juvenile cell from the remainder of the cell/bull pen area. They are, at present, in the process of moving the speaker box of the intercom system from the adult cell to the juvenile cell in response to a request made by the Jail Inspector on his last visit. Without moving the speaker, the closed door between the cells, necessary for separation, would prevent the juveniles from hearing desk personnel talk to them and prevent their talking to the desk personnel.

Although the jail inspector has found the facility to be sight and sound separated based on Iowa statutes once the speaker box was moved, the jail, if it were larger, would not meet OJJDP's sight and sound separation requirement. As noted above, however, they have a procedure which requires use of the holding room for juveniles and this alternative procedure has eliminated non-compliant holds based on separation. In addition, the state agency is working with the Jail Inspector's Office to resolve the separation inspection problems that have existed in the state due to the differences between Iowa statutes and the JJDP Act.

The jail holds 400-500 persons per year, usually for no more than 24 hours, although they do have shower facilities and can hold longer if necessary. Of that number, 12 juveniles were held in FY 1986. Of the 12 held, 1 accused status offender was held in violation of Section 223(a)(12)(A), and 9 accused delinquents were held in violation of Section 223(a)(14) of the JJDP Act as noted below. However, in FY 1987, 29 juveniles were held but only 5 of the 29 were in violation of the JJDP Act. The reduction was due to the procedural change mentioned above which requires placement of status offenders in the holding room rather than the jail cell. In fact, it is expected that future monitoring will not show any non-compliant holds due to the procedure requiring use of the holding room.

Findings:

Jail logs for FY 1986 were reviewed and checked against the self-reporting "Juvenile Detention Survey" form sent to the designated agency. The juveniles listed on the jail logs are supposed to be pre-adjudication holds only. It is the practice of the courts in Iowa to take juveniles to shelter care or detention immediately from court. All verification was based on birthdate, time in and out, charges cited, and holding authority/jurisdiction. All violations are based on holds in excess of 6 hours. Some status offenders may be included in Section 223(a)(12)(A) violations that would not have been considered non-compliant holds.

1. One 17 year old charged with illegal possession of alcohol and illegal possession of a controlled substance was not included on the "Juvenile Detention Survey." This was probably a clerical error in copying from the log to the survey form, as pages of the log book continually stick together. This juvenile was held for 11 hours and 12 minutes and was a violation of 223(a)(14).
2. One status offender or nonoffender was held for the Ames Shelter House for one hour and nine minutes in a holding room. No documentation was available that would clarify questions raised by the hold. We only know that it was a status offender or nonoffender by the fact that the jail log specifically stated the hold was for the Shelter House and that the juvenile was not held in a cell. Nothing more can be substantiated.
3. Five juveniles were held for running away from a detention facility or shelter care facility. They are an excellent example of lack of documentation as no current or previous charges were noted on-site and it was impossible to determine their status. They had been considered as accused delinquents on Iowa's monitoring report. Four of the five were held for six or more hours up to 2 days and were in violation of Section 223(a)(14). (See items 5 and 6 under "Findings and Recommendations.")
4. Two youths were held for public intoxication and ultimately released to their parents; only one was held in violation of Section 223(a)(14).
5. One traffic offender was held for reckless driving and eluding, and then released to his parents eight hours later. In 1986, when the state was working toward substantial compliance, he would not have been counted as a violation of 223(a)(14) but a similar hold will have to be counted after January 1, 1989.
6. One juvenile was held for the probation officer because they were revoking his probation. No other information was available regarding previous or current charges without locating the probation officer involved, going back to the law enforcement officer involved or to the court involved. He was held in violation of 223(a)(14). (See items 5 and 6 under "Findings and Recommendations.")
7. One out-of-state juvenile was held for 60 hours awaiting pickup by the his home state's authorities. It is presumed that the juvenile was a delinquent due to the fact that available background information said he was being held on a warrant. No information on the basis of the warrant

was noted. He was considered a violation of 223(a)(14) due to the length of time he was held.

8. The majority of holds were juveniles "held for probation officer," "held for transport," "runaway from detention," or held for a particular facility. The reasons noted raised the question of their adjudicatory status and actual charges made against them. The Commission agreed to work with facilities to see that charges are specific and that adjudicatory status is noted, both for monitoring purposes and to protect the facilities in the event that accusations are made regarding the holding of a juvenile.

Questions regarding the status of every hold for which a definite charge was not cited, 8 in 1986, must be raised due to the lack of documentation available for verification purposes. The same is true regarding adjudication. Even if monitors go to great length to answer these questions during their collection or verification of data, Iowa's data will still be open to criticism until documentation is available on-site at each facility to verify the compliance of each hold based on status of each juvenile held (status offender, nonoffender, accused or adjudicated delinquent). Charges made, adjudicatory status, age and length of time held are all necessary in determining the compliance of any juvenile held. (See items 5, 6 and 7 under "Findings and Recommendations.")

B. Facility - Linn County Detention Center

The Linn County Detention Center is located 20 minutes out of Cedar Rapids, Iowa, a commercial center with a population of approximately 110,000. It is in a rural setting and is a part of a larger county facility that incorporates services for the elderly, mentally retarded, psychiatric patients, and shelter care. The detention facility, with a capacity of 11, operates under the Youth Services Department of Linn County and holds an average of 450 youths per year from Linn County and the surrounding six counties.

The detention facility is housed in a bright modern building exactly like all the other buildings in the complex. Although there is barbed wire on a thirty foot length of chain link fence across the yard area, a brick wall hides it from public view and the small sign in front is really the only thing that alerts you to the fact that it is a detention facility.

The facility has a light airy feel; not the starkness that many detention facilities have. The walls have a lot of art work created through the Iowa Arts Project. The residents are in full view of the staff throughout the day, with the exception of the dormitory room. They are installing large curved mirrors, however, which will make the interior of the dormitory room visible even when looking through the window in the door, when the door is locked.

Juveniles are brought to the facility by law enforcement officers. Written detention policies and procedures require that there be charges against each juvenile before the administrator will accept them and that status offenders and nonoffenders not be accepted. When charges are unavailable and there is no other option for the juvenile or law enforcement, he contacts the probation officer to setup a detention hearing for 1:30 p.m. the next day. If the juvenile is brought in after regular office hours with no charges, he calls the probation officer first thing in the morning. After hours arrival usually means an extra night in

the facility because the juvenile usually cannot be scheduled for the 1:30 hearing on the same day the probation officer is notified.

Findings:

Detention logs for FY 1986 were reviewed and checked against the self-report letter sent to the designated agency and non-compliant holds were not found. A number of questions were raised, however, during the review that may be of interest to the Commission or Courts:

1. There is no 24 hour intake system in Linn County. Access to a 24 hour intake system would eliminate the 50% to 65% who stay fewer than 24 hours and, in many cases, did not need to be brought there at all. The Commission may want to look at the intake system to determine whether juveniles are being detained unnecessarily due to the lack of a 24 hour intake system.
2. Linn County has recently inaugurated a rotating system where each judge serves only 6 months at a time as the juvenile judge, rather than a year or two years or longer term of office. When discussing the change to rotating judges, a determination was made that some juveniles do remain in the facility longer than usual during the period just before the current judge leaves and the new judge comes in. This increase in time appears to be due to the fact that hearing scheduling falls off as the current judge prepares to leave and again as each new judge begins a new term, causing less hearings over the two to four week period surrounding the change than at other times during the year. The designated agency or the Iowa court system may want to look into the situation to determine if the rotation of judges is causing an increase in the time juveniles remain in detention and if this is the case, what can be done to make hearings available to all juveniles as soon as possible.
3. Most of the juveniles leaving detention go into shelter care or back home. Twenty-five to thirty percent move on to a facility which is a step or two steps up, such as residential treatment or the Eldora Training School.
4. The facility also holds juveniles waived to adult court when necessary because most of the jails and lockups will not hold them. Due to the percentage of residents at any given time who will be released to home or shelter care, the waived youth has to sit for weeks and watch the others leave after staying only one night. The waived youth's maturity level is usually closer to an adult than to the other residents and morale problems develop because the waived youth doesn't have anyone to whom they can relate. There is also a problem in the way the waived offender is often looked up to by other residents. In other words, creating a situation similar to the situation which exists when a youth is not separated when placed in an adult jail. Unfortunately, the Linn County facility is too small to provide a separate program for waived offenders.
5. Equal access by all counties served by the facility is not readily available. At present, no 6th district youth are refused. For this

reason, the detention center can't afford to accept youth from other counties outside the 6th District, even those which have no local detention available. As soon as the resident count reaches 8 youths, the detention center must limit access by outside counties or the center will not necessarily have sufficient space for the 6th District's young people. Therefore, some counties go unserved while the facility does have space that must be held for the 6th District. This means that juveniles outside the 6th District run a higher risk of being placed in a jail because there is no alternative to jail in their own Court District.

In most cases formal detention is not the answer for all counties. Instead, they should seek to provide a shorter term facility within the community that can be staffed only as needed when a juvenile is in custody, or a citation program that allows law enforcement to cite the juvenile for the offense and assign a court date which is binding on the youth and his parents.

6. Detention records show that a large number of detention hearings are being waived on agreement of the county court official and the juvenile's attorney (in most cases, court appointed). The Commission or the Courts may want to look closely at this situation to determine if the practice is in the best interest of the juvenile involved, if the practice is statewide, and whether the Court and the juvenile might be better served by stipulating specific circumstances where a detention hearing can be waived.
7. No JJDP Act violations were identified.

C. Facility - Johnson County Jail

The Johnson County Jail is located in Iowa City, Iowa, home of the University of Iowa and its associated medical complex, with a population of 59,000. Iowa City is a commercial center built around farm products, educational testing, and some manufacturing.

The jail is located on the outer edges of the business district, in a seven year old building. The jail is housed on the second floor and access is by stairs to a small entry area primarily used for visitors awaiting entrance to the jail visiting area or by elevator. Entrance to the jail by law enforcement with accused individuals is by the elevator from the sally port. Both entrances are through locked doors managed, by intercom and video transmission, from the secure jail clerks office which is located between the elevator area and the entry vestibule. The booking area is not within sight of the holding cells, all of which have solid doors and are monitored by video from the clerk's office. Separation is not a problem due to the physical layout and the written policies and procedures that regulate housing and movement within the facility.

The jail is laid out along two parallel hallways. Cells line both outside walls with the center section used for booking, intoxication tests, holding cells, elevator from the sally port, and other office activities. The juvenile cells are at the north end of the west side of the building in an area closed off from the hallway by two secure doors. Inside the hall door to the left are two women's cells; in the center, the matron's quarters and, to the right, the juvenile cells.

The second secure door shuts off the juvenile area from the small hallway outside the matron's quarters. Inside the juvenile area there are three rooms: two cells back to back; each opening on to the common area which has only a small table attached to the wall. Meals are served in the common area.

The same programming is available to the juveniles as to other prisoners and use of program areas and other movement within the jail are covered in written policies and procedures. There is no sight or sound contact possible in walking the hallways, as all the other cells are totally closed off from the hallway. All that is visible are the brick walls and windowless secure doors to each cell block. (Visual contact with the cells is by video monitors in the jail clerk's office.) Prisoner movement in the hallway is one prisoner at a time accompanied by one officer and regulated by the jail clerk using the video monitors and speakers.

The jail is a full service county jail and had 2,968 total holds last year. Only 27 of that number were juveniles holds. Of the 27, there were no noted violations of 223(a)12(A) although there are four instances that may have been status offenders (additional information in Findings), no violations of 223(a) (13) and 11 violations of Section 223(a) (14) of the JJDP Act.

Findings:

Computerized juvenile jail logs for 1986 were reviewed and checked against the self-reporting "Juvenile Detention Survey" form sent to the Commission by the jail. The juveniles held are supposed to be pre-adjudication holds only based on Iowa statute which requires that juveniles be taken immediately from the court to shelter or detention care. All verification was based on the juvenile log listing of date of birth, time in, time out, charge, to whom released, and jurisdiction for each juvenile. All violations were based on holds in excess of 6 hours.

1. This facility held five accused delinquents for more than six hours.
2. Three out of six juveniles charged with an offense were held less than 5 hours, while the remaining juveniles charged accounted for 3 of the 11 holds which were not in compliance with Section 223(a) (14).
3. Holds for other reasons, as noted in Item 2 above, accounted for 8 of the 11 holds which were not in compliance with Section 223(a) (14) and 4 of the 8 may have been status offenders which would not have been in compliance with 223(a) (12) (A).
4. Charges were frequently not included; rather, they state that the reason for the hold (such statements as "Holding for Juvenile Detention," "Holding for Mt. Pleasant," etc.

VI. FINDINGS AND RECOMMENDATIONS

1. The State of Iowa did not have a monitoring plan which fully addressed all the monitoring responsibilities, their barriers to monitoring, or their plan for overcoming their barriers.

The Iowa Commission on Children, Youth & Families must revise their Monitoring Plan in such a way that it reflects how the state handles its monitoring respon-

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In two of the facilities visited for the purposes of the audit, there was not sufficient documentation available on-site to determine whether juveniles were status offenders or whether they were being held after their adjudication hearing. Monitors were required to verify the type of holds through court records, arresting officer or probation officers.

The Iowa Commission on Children, Youth & Families must work with facilities to insure that facility logs or other records retained by the facilities include sufficient information to make decisions regarding the compliance status of each juvenile hold. (Critical)

8. The State of Iowa does not have a Monitoring Manual.

The Iowa Commission on Children, Youth & Families should develop and maintain a Monitoring Manual. The manual should include, but need not be limited to, the following subjects:

- a. The monitoring timetable followed in conjunction with the Corrections Division of the Department of Human Services, the Crime Analysis Center of the Department of Justice, and the Children's Services Division of the Department of Human Resources;
- b. A list of all residential programs in the state that might hold juveniles pursuant to juvenile court authority;
- c. An indication for each of these facilities as to whether it is secure or nonsecure;
- d. A description of criteria used for classifying facilities as secure or nonsecure, public or private;
- e. The date each secure facility was last inspected for compliance with the JJDP Act;
- f. A description of the authority other state agencies have for licensing and inspecting both secure and nonsecure facilities;
- g. A description of the issues addressed through the monitoring of secure and nonsecure programs by other agencies, e.g., a copy of the standards used by Corrections Division;
- h. A description of the procedure to be followed by the Juvenile Services Commission for:
 - o collecting monitoring data (include a copy of any self report forms);
 - o verifying data (what facility source documents are to be consulted and what data sets are to be reviewed); and
 - o inspection of physical plant of adult facilities for separation while on-site for data collection and verification.
- i. Description of enforcement mechanisms that exist for implementation of State law, administrative rules, or standards;

- j. A copy of state statutes, judicial rules, administrative rules, and standards that parallel or support implementation of the JJDP Act;
 - k. A copy of the JJDP Act, 1985 Formula Grant Regulation, and other pertinent rules and regulations; and
 - l. A list of contact persons in related state agencies or organizations that have monitoring responsibilities.
(Critical)
9. The Iowa Commission on Children, Youth & Families relies primarily on informal agreements with other state agencies in order to carry out their monitoring responsibilities.
- The Iowa Commission on Children, Youth & Families is encouraged to develop interagency agreements where other state agencies have regulatory authority over facilities subject to the requirement of the JJDP Act. (Non-Critical)
10. The Iowa Commission on Children, Youth & Families does not have authority to carry out their monitoring responsibilities.

The Iowa Commission on Children, Youth & Families should encourage the establishment of statutory authority to carry out the monitoring responsibilities set forth in the JJDP Act. (Non-Critical)

CONCLUSIONS:

Subject to these findings and recommendations the State of Iowa is in compliance with Section 223(a) (15) of the Juvenile Justice and Delinquency Prevention Act, as amended.

DOCUMENTS RECEIVED:

Monitoring Report Checklist.

Juvenile Detention Survey form.

Copy of Linn County Detention Center self-report.

Correspondence with OJJDP Associate General Counsel regarding Section 223(a) (14) "exception."

Organizational Chart

Iowa Senate File 522, Relating to Juveniles, Regarding Children in Need of Services, the Detention of Juveniles in Adult Detention Facilities, and Penalties for Violations of Certain Misdemeanors and Ordinances.

Statement regarding "DSO, Separation, Jail Removal and Monitoring" from the 1987 State Plan.

"Detention: A Nightmare for Juveniles," Sunday Register, October 11, 1987.
Iowa Statutes, Chapter 232, Juvenile Justice.

Jail Removal Plan submitted as required by court order in Case No.74-3012, Hendrickson, et al. versus Griggs, et al.

Iowa Department of Human Services Information on Rules covering proposed changes to foster care licensing rules to reflect the need for a high level of behavior controls.

Compliance with Juvenile Justice and Delinquency Prevention Act: Iowa, Missouri, by Linda A. Szymanski, Esq., National Center for Juvenile Justice, Pittsburgh, PA.

FY 1986 Iowa Shelter Care Licence issue or approval.

Sample Form: Juvenile Detention Survey (July 1, 1986 to June 30, 1987).

Iowa Jail Inspection Unit Juvenile Detention Information Form.

List of Jails, including County/Facility Codes.

List of Juvenile Shelter and Detention Facilities.

Section 356.3, Minors separately confined, Jails and Municipal Holding Facilities, Iowa Criminal Code.

1981 Audit by Community Resource Services, Champaign, Illinois.

The Commission on Children, Youth, and Families has been the designated agency for Administration of the JJDP Act since July 1, 1987; and, some of the monitoring procedures are already being modified as a result of the audit. For that reason, our findings and recommendations will deal primarily with their current system, but will note changes implemented in the system since the transfer.

The State of Iowa's monitoring system, as of the date of the audit, was not in compliance with Section 223 (a) (15) of the JJDP Act. However, the State does have a working monitoring system based on informal associations with all jails, lockups, detention centers, and responsible agencies and the data produced by this system are sound. Unfortunately, any change of personnel or structure in any of the agencies involved could easily jeopardize the system as a whole.

The monitoring system is affected by the following problems:

- A. Lack of legislative or executive authority to carry out their areas of responsibility.
- B. Significant differences between definitions in the Iowa Juvenile Code and those of the JJDP Act and practices in processing juveniles through the JJ System make attainment, maintenance, and verification of compliance difficult.

The discussion will begin by looking into the overall problems and then narrow the focus to the monitoring system. Through out this section, bold print will be used to denote critical issues that must be dealt with. All other recommendations are given only as suggestions that would contribute to maintaining overall compliance with the JJDP Act.

A. Lack of Authority

1. Findings:

As noted in the preceding narrative under the heading "Authority to Monitor," the Commission lacks authority to carry out its responsibilities under the JJDP Act in the following areas:

- a. Authority to monitor for compliance.
- b. Identification of the monitoring universe.
- c. Classification of facilities.
- d. Setting of standards for facilities.
- e. Inspection of facilities.
- f. Review of facility records by designated monitors.
- g. Requiring facilities to maintain specific admission and release information.
- h. Citing for violations.

- i. Development of system of sanctions.
- j. Enforcement of sanctions.

The Department of Management's July 12, 1987, memorandum of understanding does address all but items d and f. It represents a good faith effort by the State to use authority already in place; however, the Commission still needs to work towards achieving statutory authority to carry out its responsibilities under the JJDP Act.

2. RECOMMENDATIONS:

The Commission is encouraged to seek statutory authority to carry out its duties as "designated state agency" under the Juvenile Justice and Delinquency Prevention Act. The authority should allow the Commission on Children, Youth & Families to do the following:

- a. Require all facilities which can hold juveniles securely to maintain specific information for the purpose of monitoring their compliance with the JJDP Act.
- b. Require regular reporting by facilities which can hold juveniles securely.
- c. Collect data from all facilities which could hold juveniles securely (jails, lockups, mental health facilities, etc.).
- d. Inspect facilities which could hold adult criminal offenders and juvenile offenders for compliance with Section 223(a)(13) of the JJDP Act concerning sight and sound separation of juveniles from adult offenders.
- e. Cite for compliance violations
- f. Recommend meaningful sanctions for failure to correct cited violations. While this could be handled by other agencies, the Commission should have a documented procedural means for reporting violations to the enforcing agencies.

The Iowa Commission on Children, Youth & Families should also have interagency agreements for each interagency relationship required to carry out their duties under the Juvenile Justice and Delinquency Prevention Act. Each interagency agreement should delineate the specific duties of each agency involved in the agreement. For example, the interagency agreement defining the relationship between the Commission on Children, Youth & Families and the Department of Correction's Jail Inspector's Office should outline each agency's responsibilities under the agreement, including definition of the basis for inspection for separation if the Department of Correction's inspection will be used to determine compliance as required under Section 223 (a) (13) of the JJDP Act.

B. JUVENILE JUSTICE SYSTEM:

1. Findings

The State of Iowa, in 1987, amended its Juvenile Code to include jail removal language. It went into effect on July 1, 1987, and brought with it some real changes in the way juveniles are handled. No comprehensive data is yet available for the first sixth months under the new code, but in looking at the data collected since July 1, 1987, there appears to be a significant reduction in placement of juveniles in secure settings in Iowa .

In addition to the lack of authority cited under A above, the Commission is also being asked to guide the State of Iowa in reaching goals for which there is no statutory base. Jail removal language became a part of Iowa's statutes, however, the Iowa Juvenile Code does not yet have language stating that no status offenders or non offenders may be held in secure facilities. Nor does the Juvenile Code define "Status Offender" or "Nonoffender".

Iowa will have difficulty in achieving 100% compliance with the JJDP Act requirements regarding deinstitutionalization of status offenders, separation from adult offenders, and removal of juveniles from jails and lockups until there are sufficient local alternatives to jail available throughout the state.

2. RECOMMENDATION:

The Unified Juvenile Code definitions need to be compatible with the JJDP Act definitions.

The Iowa Commission on Children, Youth & Families and the State Advisory Group should work with existing service providers to make available more juvenile alternatives to jail and secure detention in all areas of the state. This may include development of new alternatives or replication and expansion of existing alternatives to achieve more diverse options such as:

- a. More shelter care beds across the state, including specialized shelter care for status offenders or nonoffenders who are considered hard to handle or have a history of running away.
- b. Youth Attendant Programs available to local law enforcement.
- c. Report Centers available for supervision of juveniles
- d. Home Detention alternatives
- e. Alternative programs for traffic offenders

Residential care should be small and community based.

Non-residential alternatives should be community based and developed in coordination with schools and mental health services, as well as the private programs that already exist in the community to work with young people.

Evaluation of alternative programs should be an integral part of the planning to assure that programs are working, to pinpoint program areas that need improvement and to single out programs that should be replicated.

C. MONITORING:

1. Finding:

The State of Iowa has a monitoring plan which needs strengthening in several areas. The monitoring plan is most useful in keeping the agency on track when it includes a timeline for all ongoing activities and all activities planned for a future date, including plans for the removal of monitoring barriers. It serves as a plan of action for staff involved in the monitoring effort.

Iowa does not have a monitoring manual. The manual serves as a basis for teaching new staff members and the State Advisory Group membership about the monitoring authority, monitoring responsibilities, and monitoring procedures. Both the plan and the manual serve as the basis for an efficient monitoring program. The Commission on Children, Youth & Families has agreed to complete a monitoring manual by July 1, 1988.

The Commission on Children, Youth & Families has a monitoring timetable, but it does not include the names of agencies and individuals responsible for each step in the monitoring process, nor does it include facility identification, and classification information. It states that no barriers to monitoring exist, therefore no realistic approaches to overcoming any barriers are included. The changes brought about by reorganization have introduced barriers that previously did not exist. There was not sufficient staff at the time of the audit to handle all the monitoring responsibilities. In the facilities visited, determining from the available records what charge each juvenile was being held for was a problem, particularly on courtesy holds. The timetable should be rewritten to cover those problems or barriers to compliance that currently exist.

The Monitoring Data Verification process in Iowa was becoming a problem in 1985 and, for all practical purposes, ceased to exist in 1986 and 1987. Since the Commission on Children, Youth and Families has taken over responsibility as the designated agency, verification is once again a high priority. The changes in this area should be included in the monitoring plan and the timetable.

Information collection should include secure mental health facilities if juveniles are placed in such facilities by the juvenile court. Information collection at all facilities (jails, lockups, detention facilities, and secure mental health facilities) should tell the monitor whether the hold is pre- or post-adjudication and the original charge for which the child was held, particularly when a juvenile is a courtesy hold on authority other than the local court of jurisdiction, such as the probation officer, a law enforcement agency, shelter care facility or detention facility.

2. RECOMMENDATION:

The Iowa Commission on Children, Youth & Families needs to revise their Monitoring Plan in such a way that it delineates how the state will handle its monitoring responsibility, including identification, classification, and

verification, the barriers that exist, and a realistic plan for overcoming the barriers.

- a. Identification of the monitoring universe.
- b. Classification of facilities.
- c. Authority to set standards.
- d. Authority to inspect facilities.
- e. Authority to review facility records by designated monitors.
- f. Authority to require facilities to maintain specific admission and release information.
- g. Authority to cite for violations.
- h. Authority to enforce sanctions.
- i. On-site inspection of facilities
- j. Data collection
- k. Data verification
- l. Data processing
- m. Report writing

The Iowa Commission on Children, Youth & Families needs to develop a monitoring time table which describes the monitoring cycle in terms of the tasks a, b, i, j, k, l, and m noted in Item 1 above, as well as planned steps toward removal of any barriers to monitoring.

The Iowa Commission on Children, Youth & Families needs to develop a Monitoring Manual that includes the following:

- a. monitoring plan;
- b. documentation of their authority noted in sections c,d,e,f,g,and h of Item 1 above, in the form of statutes, executive orders, or interagency agreements.
- c. Procedures that also delineate the agencies and individuals responsible for each of the following activities noted in sections a,b,i,j,k,,l, and m as noted in Item 1 above.
- f. A timetable for overcoming barriers to compliance with Sections 223(a)(12), (13) and (14) of the JJDP Act.
- f. A timetable for monitoring which describes the monitoring cycle in terms of the tasks to be accomplished.

The Commission on Children, Youth & Families should standardize information logs in jails and lockups and detention centers in such a way that the logs include the following information:

- a. Name of Youth
- b. Date of Birth
- c. Most Serious Alleged Offense by Iowa Statute Number
- d. Court of Jurisdiction
- e. Held Pre or Post Adjudication
- f. Date and Time of Admission in military time.
- g. Date and Time of Release in military time.

h. Name and Relationship of Person to Whom the Youth was released.

As a part of the standardization of recordkeeping, self report forms should include information regarding whether a hold was pre-or post-adjudication and information on the most serious alleged offense on all holds, including courtesy holds for probation officers, other law enforcement agencies, or facilities.

Inspection reports on jails and lockups should be supplied to each facility in an effort to let staff know the compliance standards and how their jail meets those standards. Reports should be sent along with a brief explanation of the JJDP Act requirements and a request that both be posted in a place where it will be available to all jail staff.

As of September 30, 1988, Iowa must begin counting juvenile traffic offenders held in jails or lockups, who were not reported previously. In the absence of a plan to handle these juveniles appropriately, this requirement may lead to an increase in the number of juveniles reported as violations in the monitoring report to be submitted to OJJDP after September 30, 1988.

CONCLUSIONS:

The Iowa Monitoring System can currently be regarded as one which collects accurate data for the purposes of determining compliance with the deinstitutionalization, separation, and jail removal provisions of the JJDP Act. However, the system is based largely on informal agreements which may cease to exist due to any change in personnel or structure and it does not fully satisfy the requirements for monitoring contained in Sections 223(a)(15) and 204(b)(7) of the Final Regulation (28 CFR Part 31), reprinted in the Federal Register dated June 20, 1985. In 1981, Community Research Center of the University of Illinois at Urbana-Champaign audited the State of Iowa for compliance with the monitoring requirement. One of the deficiencies noted by CRC is again included in this audit report - authority to monitor. Attention to this recommendation would aid the State of Iowa greatly in its efforts to achieve full compliance with the monitoring requirement.

Johnson County information:

3. A 16 year old male was held for Cedar County for 34 days. Based on the available jail record, there was no way to know the charge, the status of the young man, or any past history. The log was noted "hold for other law enforcement." It can only be presumed that he was serving out a sentence for the Cedar County Court.
2. A 16 year old female was held for the Iowa City Police Department for 4 days by authority of the juvenile court for "false use of a financial instrument" (previously forgery). No past history was available from the jail that gave any additional information regarding the hold.
3. One 17 year old male was held for the juvenile probation officer for 10 hours, sent to detention, and returned 10 days later charged with Theft 3rd Degree, presumably for another hearing. He was held 5 hours 15 minutes before posting cash bond and was then released. 49 days later, he returned charged with Theft 2nd and 5th Degree and Possession of a Controlled Substance. The Juvenile Detention Survey form showed a

release date of January 1, 1986, 29 days after his birthday on December 24, 1985, while the jail's juvenile log did not show a release date. I asked the clerk to check the adult log to confirm whether a transfer to the jail was made or he was released. He was not listed in the adult log either. She agreed that he may have been transferred on his birthday and the computer system programming failed to pass his name juvenile log to the adult log, with due to the make of the program or failure to input his name to the adult log. She agreed that it was a problem that should be resolved immediately and was going to look into the situation. She was very concerned and did not want the problem to occur again.

The date shown on the jail log was probably based on additional research done by the monitor during a verification visit, and represents the verification effort routinely made by the State except in the area of status offender holds, where they have taken for granted the adherence to Iowa statutes.

4. All holds were for Juvenile Courts; seven jurisdictions in all including University Security at the local university. Only 6 of the 27 held had actual charges listed in the log and the remainder were listed as being held for another facility, the probation officer, or the court. Even going back to the original arrest sheet, no notation of charges was made. The clerk responsible for the records told me that only the probation officers or the requesting facility would have the information on the charges.

This practice makes it very difficult for the monitor to determine the status of each hold (status or nonoffenders or whether the delinquents are accused or adjudicated) and causes additional time and effort on the part of the monitor and the jail staff on each monitoring visit. It also increases the jail's liability in the event a hold is contested.

5. Based on information in the logs, holds for facilities ended in transport to the facility; holds for probation officers ended in transport to shelter care or detention; and holds for courts were all taken to detention except for one juvenile who was released on his own recognizance. We were unable to clarify the circumstances of the holds for juveniles taken to shelter care and had to presume that these four holds were not in compliance with Section 223(a)(12)(A) the JJDP Act.
6. Three out of six Juveniles charged with an offense were held less than 5 hours, while the remaining juveniles charged accounted for 3 of the 11 holds which were not in compliance with Section 223(a)(14).
7. Holds for other reasons, as noted in Item 2 above, accounted for 7 of the 11 holds which were not in compliance with Section 223(a)(14) and 4 of them may have been status offenders which would not have been in compliance with 223(a)(12)(A).

Juvenile Justice Advisory Council

Division of Children, Youth and Families
515-281-3241

Iowa's Response to the 1987 Audit of Compliance Monitoring System

The Field Audit Report prepared by Brunetta Centner was reviewed by the Jail Removal Coordinator who is responsible for Iowa's compliance monitoring system. The following response indicates what steps have been taken thus far to achieve compliance with Section 223 (a) (15) of the JJDP Act. Additionally, this response addresses how Iowa will correct the remaining deficiencies in the compliance monitoring system.

Since the field audit was completed, Iowa has intensified the data collection and verification aspects of the monitoring system. At the time of the audit the Division of Children, Youth and Families was contracting with Drake University to oversee all aspects of the data collection and verification. After numerous contacts and missed deadlines by Dr. Dean Wright on the FY 87 monitoring report, it was decided to terminate the agreement and have the Jail Removal Coordinator fulfill the monitoring responsibilities in-house.

I. Update on Iowa's Monitoring System

A. Data Collection Method

1. Secure Juvenile Detention Surveys sent to all jails and lock-ups at the end of the following quarters:
 - July 1 - September 30
 - October 1 - December 31
 - January 1 - March 30
 - April 1 - June 30
2. The quarterly surveys must be completed within twenty days of the report period. The quarterly data is reviewed by the Jail Removal Coordinator and quarterly monitoring summaries are compiled.
3. Quarterly violation reports are compiled and copies are sent to Department of Corrections, Jail Inspection Unit for review and handling. The Jail Removal Coordinator contacts each violating facility and discusses the specific violations. The Jail Removal Coordinator also contacts other appropriate juvenile court officials (i.e. Juvenile Court Chiefs, Juvenile Court Judges,

etc.) concerning the violations. If the facility has a pattern of violations the Attorney General's office is notified.

4. The Jail Removal Coordinator conducts on-site verification of the self-reported data. According to the monitoring objectives, 33% of all self-reported data will be verified annually. Verifying 33% of the data annually ensures that every facility will be visited once every three years.

It was felt that collecting the detention information annually was ineffective due to the time that elapsed between the actual date a juvenile was detained and the time the data was reviewed for compliance. Additionally, while the violations were recorded, the offending facilities did not receive any notification of their non-compliant practices, nor were they sanctioned for violating the JJDP mandates. The quarterly reporting format allows for quicker review of the data and notification of violations within a relatively short time frame which allows for the correction of non-compliant practices before our compliance level has exceeded the allowable de minimis limit.

The self-report monitoring form was revised effective July 1, 1988 to clarify what constitutes a secure hold versus a non-secure hold, the specific offense, holding authority, jurisdiction, whether the juvenile was detained on a court order and the time the order was received. At the time the form was revised the pre-adjudication/post-adjudication issue was not addressed. After receiving the self-reported data, the Jail Removal Coordinator reviews the data and clarifies any information which is ambiguous or incomplete.

The Jail Removal Coordinator also met with the Department of Corrections, Jail Inspection Unit to discuss the criteria for certifying sight and sound separation. The audit report notes that while sight and sound separation monitoring is completed by the Department of Corrections, the certification may not be based on the requirements of the JJDP Act. Effective July 1, 1988 the Department of Corrections' certification criteria were changed to reflect sight and sound separation in booking, housing, dining, recreation, education, vocation/work, visiting, transportation, medical/dental and detention/segregation.

II. Response to Findings and Recommendations

1. The State of Iowa does not have an adequate monitoring plan which addresses their monitoring responsibilities, barriers to monitoring or their plan for overcoming their barriers.

The Jail Removal Coordinator is currently in the process of developing Iowa's Monitoring Plan. The plan will be incorporated into the Monitoring Manual and will be submitted to OJJDP upon request.

2. The State of Iowa fell behind in their verification activities during the reorganization process.

This aspect of the monitoring system has been addressed in the intensified monitoring system effective July 1, 1987. The monitoring system requires that a minimum of 33% of all jails and lock-ups receive on-site verification annually.

3. The State of Iowa had no information with regard to juveniles held securely in mental health facilities.

At the time of the audit Iowa was not collecting information on juveniles detained in public or private psychiatric institutions. In March 1988 the Jail Removal Coordinator and Juvenile Justice Specialist visited the state mental health institutes at Cherokee and Independence to gather preliminary information on what types of juveniles were held in these facilities, under what jurisdiction they were placed and whether the juveniles were held securely and/or separated from adult criminal types. Several problems including DSO and sight and sound issues were noted in both facilities and discussed with the Department of Human Services. DHS officials agreed to begin gathering the necessary information to make compliance decisions. Discussions are continuing on DHS' need to promulgate policies which would prohibit the placement of status offenders and non-offenders on the locked adult units and require sight and sound separation if adult criminal types were placed in the unit.

The following plan was developed to respond to the DSO and sight and sound mandates of the JJDP Act as they apply to secure mental health settings:

- A. Identification of secure residential mental health facilities: To be accomplished by January 1, 1989.
- B. Development of interagency reporting agreements or private agency reporting: To be accomplished by March 1, 1989.
- C. Identification of what juveniles are detained in secure mental health facilities, why they are placed

in the institutions and the length of placement:
To be accomplished by July 1, 1989.

- D. Alert key legislative committees to the DSO and sight and sound separation issues in secure mental health settings: To be accomplished during 1989 General Assembly.
- E. Conduct public education campaign on the issue of mental health placements: To be accomplished during 1990.
- F. Depending on the scope of the problem, advocate for legislative changes: To be accomplished during 1990 General Assembly.

There are several barriers to resolving the mental health placement issue quickly. One of the major barriers deals with the current funding mechanism for mental health placements. The county-based state funding mechanism allows for reimbursement for juveniles placed in mental health institutes under the jurisdiction of the juvenile court, while juveniles placed in MHI's under the civil court procedures are not county-based reimbursable. At the present time the Department of Human Services is considering filing administrative rules which would prohibit reimbursement for placements in secure psychiatric settings for children in need of assistance.

The second barrier to achieving immediate change is the lack of awareness concerning compliance problems with the JJDP mandates. As with jail removal, any change in practice will necessitate intensive education to make all of the state juvenile court practitioners aware of the the Act's applicability to mental health placements.

Thirdly, agreements have to be developed with the Department of Human Services, the Department of Inspections and Appeals and the private mental health settings to ensure data collection. Oversight agencies must be identified to address violation issues.

Finally, if legislative change is necessary to effect judicial practice, the process will necessitate intensive work with the legislature to achieve statutory change. In these times of fiscal restraint, any legislative changes requiring fiscal responsibility are likely to be slow to achieve. Additionally, there is a strong possibility that the legislature will respond negatively to any recommended changes which they perceive to be related to the jail removal issue.

4. The State of Iowa was not inspecting for adequacy of recordkeeping in reporting facilities.

With the adoption of the intensified monitoring system and the increased emphasis on on-site verification, this problem has been addressed. The Jail Removal Coordinator verifies the self-reported data through an inspection of the jail calendar and any necessary individual files. In instances where the recordkeeping has not been adequate the Jail Removal Coordinator discusses the deficiencies with the Sheriff, Jail Administrator and other appropriate personnel.

5. Although the State has jail removal legislation, there were questionable instances in which juveniles detained may have been status offenders.

As noted above, with the intensified monitoring system these concerns have been addressed. If specific information on the offense is not noted the Jail Removal Coordinator gathers the necessary information from the facility or juvenile court to make compliance decisions. All status offenders held in adult jails will be noted as violations with Section 223 (a) (14) in the FY 88 Monitoring Report.

6. Although the State has jail removal legislation, there were questionable instances in which juveniles may have been detained after adjudicatory hearings.

The response to #5 also applies to adjudicated juveniles detained in adult jails.

7. Iowa must work with facilities to ensure that facility logs or other records include sufficient information to make compliance decisions.

As noted in #4, during on-site verification visits the Jail Removal Coordinator discusses recordkeeping with the facility staff to ensure adequate documentation is available to make compliance decisions. During the FY 88 verification process forty-eight facilities were visited and all but one had adequate information on-site to determine whether the juveniles detained were held in violation of 223 (a) (14). The offending facility was counseled on the need to maintain the necessary information.

8. The State of Iowa does not have a monitoring manual.

The Jail Removal Coordinator has begun the task of compiling all the information necessary for inclusion in the monitoring manual. The manual will be completed by July 1, 1989. A copy of the manual will be sent to OJJDP upon request.

9. The State of Iowa is encouraged to develop informal agreements with other state agencies that have regulatory authority over facilities subject to the requirements of the JJDP Act. The Jail Removal Coordinator received an informal agreement from the Department of Corrections to deal with violation issues pertaining to Section 223 (a) (14). The letter from the Department of Corrections will be placed in the monitoring manual. All jails and lock-ups were notified of the agreement on April 6, 1988. Since that period of time the jail inspectors have visited all of the facilities who violated the jail removal mandate. Compliance problems have decreased significantly since the initiation of this agreement.

An agreement is also on file from the Department of Inspections and Appeals concerning their responsibilities in licensing group foster care, shelter care and detention facilities. Per this agreement, the Division will be notified in writing of any violations noted in these facilities.

As noted under #3 an agreement has been reached with the Department of Human Services to report to us on placements within the two state mental health institutes. The Jail Removal Coordinator will seek a similiar agreement from Inspections and Appeals for the private psychiatric hospitals.

10. The State of Iowa should establish authority to carry out their monitoring responsibilities.

The Division of Children, Youth and Families filed emergency administrative rules which took effect August 5, 1988. The following monitoring language is incorporated in the rules:

" The division staff will monitor jails and lock-ups for compliance with the JJDP Act requirements in the state, through collection of self-report data of juvenile holdings from all jails and lock-ups in the state. Self-report information will also be collected from the state juvenile home, state training school and the mental health institutes relative to provisions of 223 (a) (12) (A) and 223 (a) (13). Staff will do on-site verification of the data consistent with federal requirements. Through written agreement, the jail inspection unit of the department of corrections, will provide the division and specific facilities with certification of the ability to separate juveniles and adults, consistent with 223 (a) (13). Through written agreement, the department of inspection and appeals will provide information to the division on holdings relative to 223 (a) (12) (A) in contracted private facilities which department of inspection and appeals has authority to inspect."

The adoption of these rules has given credibility to the State's monitoring responsibilities. While most facilities voluntarily comply with the reporting/verification requests, on a couple of occasions the Division's authority to monitor has been challenged. In addition to the rules, the cooperative relationship with Department of Corrections, Jail Inspectors has legitimized the Division's role in monitoring jails and lock-ups. In FY 86 approximately twenty-five percent of the facilities failed to supply the self-reported data. During FY 88 all jails and lock-ups supplied the necessary information. In one instance, a sheriff had refused to supply the detention data since 1980. With the assistance of the Jail Inspector the sheriff is now supplying the required information.

III. Audit Report Information Disputed

On page 31 of the Audit Report it was stated that Iowa must begin to count traffic offenders held in adult jails effective September 30, 1988. All of the past monitoring data suggests that Iowa has always counted traffic offenders when determining compliance with Section 223 (a) (14). Continuing to count traffic offenders should not jeopardize Iowa's full compliance with de minimis.

It was also noted that Iowa needs to collect data on juveniles held in secure chemical dependency programs. Iowa does not have any secure chemical dependency treatment programs, therefore, they are not included in the monitoring universe.

*Office of Juvenile Justice and Delinquency
Prevention*

COMPLIANCE MONITORING AUDIT REPORT

IOWA

OCTOBER 19-23, 1998

*Tameka L. Salis
State Representative*

PURPOSE

A Compliance Monitoring Field Audit was conducted from October 19-23, 1998 in Iowa to review the State's monitoring practices and procedures. Sections 223(a)(15) and Section 204(b)(6) of the Juvenile Justice and Delinquency Prevention Act (JJDP Act) requires each participating State to develop a plan which provides for an adequate system of monitoring jails, lockups, detention facilities, correctional facilities, and non-secure facilities. This monitoring plan is required to ensure that the requirements of sections 223(a)(12)(A), (13), and (14) of the JJDP Act are being met.

Section 204(b)(6) of the JJDP Act requires further that the Administrator provide for periodic auditing of the compliance monitoring systems of participating States to review the adequacy of such systems. These requirements are also delineated in the *Federal Register*, consolidated Regulation (28 CFR, Part 31), dated December 10, 1996. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has adopted a policy of conducting these audits on a five year cycle. Iowa's compliance monitoring system was last audited in 1993.

The field audit was preceded by a desk audit which involved a review of Iowa's written description of its compliance monitoring system. In keeping with generally accepted auditing principles, the field audit was carried out as an on-site verification of the written materials provided by the State.

FIELD AUDIT SCHEDULE

The following is a description of the persons contacted and the facilities visited during the field audit. Dave Kuker, Juvenile Justice Specialist and Scott Musel, Compliance Monitor accompanied OJJDP State Representative, Tameka Salis to each facility.

Note: The Compliance Monitoring System Audit was conducted in tandem with a Program Monitoring Visit. There will be gaps in the following schedule due to the dual functions carried out during the site visit.

Monday

8:00-12:00

Division of Criminal and Juvenile Justice Planning

Entrance conference and administrative review of the State's Compliance Monitoring system

- Dave Kuker, JJ Specialist
- Scott Musel, Compliance Monitor
- Jeanne Downing, Budget Analyst II
- Richard Moore, Administrator

1:30-3:30

Polk County Jail(metropolitan jail)

Data and System Verification; Sight and Sound Separation Inspection; Jail Removal

- Marv Wilson, Chief Jail Administration
- John Hampel, Director of Supervision

Tuesday

9:00-10:30

Ames Police Department (rural lock-up)

Data and system verification, sight and sound separation inspection, jail removal verification

- Jim Robinson, Sargent of Detective Division

11:30-1:30

Eldora Boys State Training School

Data and system verification, DSO verification

- Steve Huston, Superintendent

1:45-3:00

Central Iowa Juvenile Detention Center

Data and system verification, DSO verification

- Tony Reed, Executive Director

Thursday

11:00-12:00

Iowa Juvenile Home

Data and system verification, DSO verification

- Bob Epper, Superintendent

Monitoring System

Description

The Division of Criminal and Juvenile Justice Planning (CJJP) was created by

the 1988 Iowa Act, chapter 1277, sections 14 to 19 under the umbrella of the Department of Human Rights (DHS). CJJP is the designated State agency responsible for administering the Formula Grants Program and monitoring for compliance with the JJDP Act in Iowa. CJJP also houses the Statistical Analysis Center.

Authority to Monitor (Attachment A)

The jails, lockups, and juvenile residential facilities are monitored by three agencies: CJJP, DHS, and the State Jail Inspector Unit.

The State Jail Inspection Unit within the Department of Corrections has the statutory authority to inspect jails and police lockups. Additionally, the Jail Inspection Unit certifies jails and lockups to hold or not to hold youth. A certification document is completed at the time of inspection and forwarded to CJJP. A letter of agreement is maintained between CJJP and the Jail Inspection Unit clearly outlining the responsibilities of each agency. Through a formal agreements with CJJP that office provides data regarding certification for sight and sound separation for jails and lockups. They are empowered to close down facilities that violate state law regarding juvenile jail holds.

The Iowa Department of Human Services (DHS) has statutory authority over certain facilities that provide secure care for juvenile facilities: under the Code of Iowa, Chapter 237 for the licensing of foster care facilities; Chapter 218.1 for the control and management of the State Training School and the Iowa Juvenile Home; and Chapter 232.142 for the approval of county operated juvenile detention. A formal agreement is also maintained with DHS to work with CJJP to assure that secure facilities are providing necessary monitoring data to the State Planning Agency.

Compatibility of Definitions (Attachment B)

Status offender and non offender

Iowa uses OJJDP's definition for status offender. The non-offender definition ("child in need of assistance") is consistent with OJJDP.

Delinquent

Iowa statute does not have a reference to a delinquent youth. Instead, the state defines the "act" as delinquent not the offender. A delinquent act is one that violates any state law or local ordinance which would constitute a public offense if committed by an adult.

Secure Facility

Section 232.2 (48) of the Iowa code defines secure facility as a

physically restricting facility in which children adjudicated to have committed a delinquent act may be placed pursuant to a dispositional order of the court.

Separation

Section 356.3 of the Iowa Code clearly specifies the requirements for sight and sound separation in adult jails and lockups. Furthermore, Iowa Code Section 226.9A prohibits juveniles to be placed in secure wards with adults in state mental health institutes.

Valid Court Order

Iowa does not have a valid court order provision.

Deinstitutionalization of Status Offenders

Iowa does not utilize the valid court order exception, nor are secure dispositional placements allowed for status or non-offenders.

Jail Removal

The Iowa Code 232.22 (2)(c) and (4) allows for the use of jail/lockups to hold accused juvenile delinquent offenders in a manner consistent with OJJDP. Holds for certain accused delinquents are allowed for time periods of up to six hours in MSA areas and up to 24 in non-MSA areas. Jail holds for status and non-offenders are prohibited.

Identification of the Monitoring Universe

The monitoring universe is comprised of a list of facilities provided by the State Jail Inspection Unit which identifies the jails and lockups and the DHS which identifies the residential youth facilities and mental health institutions. In the monitoring universe there are a total of 523 facilities which are used to hold youth and adults either securely or non-securely. (Attachment C)

Classification of the Monitoring Universe

The State Jail Inspection Unit conducts an on-site review of jails and lockups to verify and classify the facilities. The Iowa Department of Inspection and Appeals classifies juvenile residential facilities.

Monitoring Period

The monitoring period begins June 30 and ends July 1 of the following year, thus covering a 12 month period. (Attachment D)

Inspection of Facilities

The State Jail Inspection Unit inspects jails and lockups. The Iowa Department of Inspection and Appeals is responsible for inspecting juvenile residential facilities. CJJP then inspects one-third of these facilities annually.

(Attachment E)

Data Collection/Verification

- **Jails and Lockups**

The Department of Corrections- State Jail Inspection Unit receives data monthly from the county jails, the data collection forms are then forwarded to CJJP quarterly. CJJP gathers data from the lock-ups quarterly. To verify the self-reported data, CJJP visits one-third of all jails and lock-ups each year to verify data reported to the SPA. (Attachment F)

- **Residential Youth Facilities**

Quarterly, the CJJP receives data directly from the facilities. CJJP also does an on-site verification of a percentage of these facilities as well. Scott Musel is responsible for monitoring the State's compliance with the Act's core requirements. During CJJP's data verification, data provided to the SPA is compared with information maintained on-site.

Violation Procedures

When a violation is observed, the compliance monitor offers on-site technical assistance. Furthermore, the State Jail Inspection Unit and DHS are notified for those facilities falling under their jurisdictions.

Other Issues

None

Compliance Data Verification

The audit included on-site data verification of fiscal year 1996 admission logs. As part of the audit process, I visited five facilities. My findings revealed the following:

Polk County Interim Jail

The jail is an adult metropolitan jail designed accommodate 310 individuals, including 10 juveniles. Individuals may be detained for up to a year. The facility does not detain women, therefore girls are sent to a juvenile detention facility. The facility only detains youth that have been waived to adult criminal court, at least 14 years and committed a felony offense. A review of the 1996 admission logs did not reveal any violations. The files that are maintained for the juveniles includes a copy of the waiver to adult criminal court. Furthermore, a walk through of the facility confirmed that the jail is complying with the regulations surrounding sight and sound separation.

Ames Police Department

This rural Jail/holding facility does not hold people for over 24 hours. The facility has two holding cells for youth, however very few youth are ever held in the facility. The jail utilizes an Attendant Care Program to sit with a juvenile until s/he is picked up. A review of the 1996 admission logs did not reveal any violations. Furthermore, a walk through of the facility confirmed that the jail is complying with the regulations surrounding sight and sound separation.

Eldora Boys State Training School

Steve Huston, Superintendent provided a tour of the school which is designed to hold 185 boys. The average stay ranges between 6 and seven months. The facility does not detain status offenders. A review of the logs for fiscal year 1996 confirmed this fact.

Central Iowa Juvenile Detention Center

The detention center is located across the street from the Boys State Training School. It is designed to hold 20 youth and both boys and girls are held in this facility. The average stay is 10 days. A review of the logs showed that only two status held in the facility for under 24 hours.

Iowa Juvenile Home

The juvenile home is a non-secure correctional facility with one secure cottage for delinquent girls. The average stay is 6 months and the designed capacity 92, with a secure cottage that can hold 10 youth. Both girls and boys CINA. A walk through of the facility confirmed that youth are not securely held in the facility except the secure cottage. A review of the logs for the girls admitted to the secure cottage revealed no DSO violations.

Legislation

In 1995, Iowa passed a legislation entitled the Youthful Offender Jurisdiction. This legislation blends adult and juvenile court jurisdictions by allowing the State to officially waive youth 15 years and under that to the jurisdiction of the adult criminal court when they have committed serious criminal acts. The youth however remain under the supervision of the juvenile courts until their 18th birthday.

Findings and Recommendations

There are no deficiencies or critical findings necessitating recommendations for

corrective action on the part of CJJP in the implementation and application of the compliance monitoring system.